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Bengal Legislative Assembly

Fifth Session, 1939

27th, 28th, February, 6th and 7th March, 1939

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir ROBERT NEIL REID, K.C.S.I., K.C.I.E., I.C.S.

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GOVERNMENT OF BENGAL.

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N

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T

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Volume LIV—No. 2.

(Official Report of the Fifth Session.)

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 27th February, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 223 members.

STARRED QUESTIONS

(to which oral answers were given)

Chapman Retrenchment Report.

*79. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a copy of Mr. Chapman's Retrenchment Report?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether Mr. Chapman thoroughly inspected every department of the district offices or only consulted the Collector of the district and formed his opinion; and

(*ii*) if the offices were not inspected, what are the reasons?

(*c*) Is it a fact that the Government have accepted the recommendations of Mr. Chapman for a sub-grade of Rs. 35—55 only?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is a fact that the All-Bengal Ministerial Officers' Association requested the Government to form a Committee of enquiry consisting of the Chief Minister, the Chief Secretary and the Member of the Revenue Board;

(*ii*) if so, why no action was taken on their prayer;

(*iii*) whether the All-Bengal Ministerial Officers' Association presented a memorial to the Chief Minister for redressing their grievances; and

(*iv*) whether he is aware that the present probationers have been affected by the sub-grade?

(*c*) Will the Hon'ble Minister be pleased to state whether he considers the desirability of going into the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) A copy of Mr. Chapman's Report regarding the establishments of Commissioners, district and subdivisional offices is laid on the Library table.

(*b*) Mr. Chapman visited 22 district offices. Owing to the short time at his disposal, it was not possible for him to visit the remaining districts.

From paragraph 4 of the report it appears that Mr. Chapman in addition to discussions with Commissioners and District Officers visited the actual offices to see conditions for himself.

(*c*) Yes.

(*d*) (*i*) It was only suggested by the Association that a small committee should be appointed to enquire into the conditions of their services.

(*ii*) Government propose to consult the representatives of the Association before the recommendations of Mr. Chapman affecting the clerks are given effect to.

(*iii*) No.

(*iv*) The introduction of sub-grade applies to probationers appointed after the 1st July, 1938, only and does not affect clerks already in service on that date.

(*e*) Does not arise in view of answer to clause (*d*) (*ii*).

Police-firing at Batanagar on the 9th January, 1939.

*80. **Rai HARENDRA NATH CHAUDHURI:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that there has been a feeling of agitation over the police-firing at Batanagar on the 9th January, 1939, resulting in the death of and injury to a number of strikers among the workers of the Bata concern; and

(ii) that some of the facts and the grounds published in the official statement in that connection have been contradicted and disputed by non-official statements in regard to the incident?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of instituting an independent enquiry to ascertain the facts relating to the incident and to find out how far the police-firing was justified?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) (i) No. It is incorrect to suggest that any one was killed.

(ii) Not as far as I know.

(b) No.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if a number of strikers had been injured as a result of police firing?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, some strikers were injured.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether he has seen any newspaper report of the death of some of the strikers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know of any such report.

Protection of mauzas in police-station Shyamnagar, Khulna, from saline water of rivers.

*81. **Mr. PATIRAM ROY:** (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(i) that the mauzas Malanga, Talikhali, Tungipur, etc., covering nearly 6 square miles in area and situated by the side of the rivers Kalindi; Kalkali, Kultali and Bagmati in police-station Shymanagar, Khulna, were formerly protected from the saline water of the said rivers by embankments raised by the local zemindars;

(ii) that the embankments have been totally breached and greater part of the area are lying submerged under saline water for more than 30 years;

(*iii*) that there is failure of crops every year; and

(*iv*) that the area is going to be depopulated year after year as the cultivators are leaving the place for the failure of their crops?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose taking to save the cultivators of the places from destruction?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) It is reported that the area was formerly protected by embankments, but it cannot now be ascertained whether the embankments were constructed at the cost of the zemindars or the tenants.

(*ii*) The greater portion of this area has become unfit for cultivation owing to breaches in the embankments about 20 years ago, but more than a square mile has in recent times been reclaimed by the construction of embankments organised by Babu Dharani Mohon Roy, zemindar.

(*iii*) No crops grow in the areas where the embankments are breached.

(*iv*) At first some cultivators left the villages but others have taken to catching fish in this area.

(*b*) The matter will receive my consideration.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether it is a fact that the zamindar realises four annas per year from the tenant of that area as the embankment tax?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid I have no knowledge about the exact amount.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) (*ii*), where it is said that "the greater portion of this area has become unfit for cultivation owing to breaches in the embankments about 20 years ago" when this fact came to the knowledge of Government and what steps have been taken by them?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The embankments in question are maintained by the zamindars and tenants concerned.

Babu NAGENDRA NATH SEN: My question was when the fact of breaches having occurred in the embankments 20 years ago came to the knowledge of Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: After the question was asked.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state what steps have been taken by Government up to this time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have already pointed out that this matter was brought to our notice after this question was asked and there was therefore no question of taking steps earlier.

Inspection of printing presses.

*82. **Mr. A. M. A. ZAMAN:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing—

(a) the names, with dates, of the printing presses inspected by the Inspector of Factories, Bengal, in the year 1938;

(b) the number of press proprietors prosecuted in the same year by the Inspector of Factories, Bengal, under the Wages Act and the Indian Factories Act; and

(c) the names of the proprietors and of the presses referred to in (b)?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): A statement is laid on the table.

Statement referred to in answer to clauses (a), (b) and (c) to starred question No. 82.

(1) The names and addresses of the printing presses in Bengal with dates of inspections made in 1938—

	Name and address.	Date of inspection in 1938.
(1)	Government of India Forms Press, 1, Temple Street, Dhurramtolla P. O., Calcutta.	16th December.
(2)	East Indian Railway Printing Press, Strand Road, Calcutta.	16th December.

Name and address.	Date of inspection in 1938.
(3) Government of India Central Press, 8, Hastings Street, Calcutta.	26th May, 10th August, and 12th November.
(4) Survey of India Printing (Photo-Litho Office), 14, Wood Street, Calcutta.	14th December.
(5) Calcutta Corporation Printing Press, 5, Surendra Nath Banerjee Road, Calcutta.	21st November.
(6) Calcutta University Printing Press, Senate House, College Square, Calcutta.	4th December.
(7) Central Jail Printing Press, Alipore, 24-Parganas.	13th December.
(8) Bengal Government Press, Alipore, 24-Parganas.	13th December.
(9) Bengal Drawing Office Litho-Printing Works, 42/1, Judges Court Road, Alipore, 24-Parganas.	6th July, 14th September, 26th September and 26th November.
(10) East Indian Railway Printing Press (Riverside Shed Branch), Riverside Shed, Howrah.	14th March.
(11) Bengal Government Branch Printing Press, Old Cutchery, post office Darjeeling, Darjeeling.	30th May, 10th June and 29th September.
(12) Lal Chand & Sons' Printing Press, 76, Lower Circular Road, Calcutta.	24th May.
(13) Caxton (Newman's) Printing Press, 21, Meredith Lane, Calcutta	19th October.
(14) Baptist Mission Press, 41, Lower Circular Road, Calcutta.	11th July.
(15) City Printing Press, 9, Strand Road, Calcutta.	4th August
(16) Caledonian Printing Press, 3, Wellesley Place, Calcutta.	23rd July.
(17) The Dracon Printing Press, 127, Radha Bazar Street, Calcutta.	12th May and 13th October.
(18) Calcutta General Printing Co.'s Edinburgh Press, 300, Bowbazar Street, Calcutta.	18th March.
(19) Calcutta Exchange Gazette Printing Press, 5, Mission Row, Calcutta.	
(20) The Model Printing Press, 6, Sooterkin's Lane, off Central Avenue, Calcutta.	7th January, 19th January, 16th February and 15th May.
(21) Basumati Printing Press, 166, Bowbazar Street, Calcutta.	27th April.
(22) Art Press, 20, British Indian Street, Calcutta.	13th July.
(23) S. Miller & Co.'s Printing Press, 1, Pollock Street, Calcutta.	12th May.

Name and address.	Date of inspection in 1938.
(24) The Calcutta Printing Co., Ltd., 76, Dhurrumtolla Street, Calcutta.	6th May, 2nd July, 28th August, 7th September and 10th September.
(25) The Star Printing Press, 30, Shibnarain Das Lane, Calcutta.	10th January.
(26) Weekly Notes Printing Press, 3, Hastings Street, Calcutta.	...
(27) Calcutta Art Studio, 185-1, Bowbazar Street, Calcutta.	17th February and 22nd June.
(28) Fine Art Press, 60, Beadon Street, Calcutta.	18th February and 10th September.
(29) Calcutta Steam Navigation Co.'s Printing Press, 11, Wellington Square, Calcutta.	11th May.
(30) Sree Saraswati Press, 1, Ramanath Mazumdar Street, Calcutta.	5th December.
(31) Gupta Press, 37/7, Beniatola Lane, Calcutta.	5th December.
(32) Amrita Bazar Patrika Printing Press, 19/20, Baghbazar Street, Calcutta.	11th January.
(33) Indian Daily News Press, 32, Upper Circular Road, Calcutta.	7th December
(34) Karim Bux Brothers' Printing Press, 9, Anthony Bagan Lane, Calcutta.	10th February, 31st May, 4th August, 15th September, 14th October and 15th October.
(35) Prabasi Press, 120/2, Upper Circular Road, Calcutta.	24th April and 13th August.
(36) Aryan Press, 54, Radhabazar Street, Calcutta.	12th May.
(37) Colour Printing & Hollow Wares, Ltd., 243, Upper Circular Road, Calcutta.	5th April and 15th June.
(38) B. P. M.'s Printing Press, 22/5/B, Jhamapukur Lane, Calcutta.	2nd June.
(39) Sri Narasinha Press, 5, College Square, Calcutta.	17th November.
(40) The Oriental Printing Press, 18, Brindaban Barack Street, P. O. Beadon Street, Calcutta.	8th March.
(41) Catholic Orphan Press, 3/4, Portuguese Church Street, Calcutta.	7th November.
(42) The Criterion Printing Works, 8, Jackson Lane, Calcutta.	...
(43) The Imperial Art Cottage, 1/A, Tagore Castle Street, Calcutta.	17th March, 16th October

Name and address.	Date of inspection in 1938.
(44) The Indian Stationery Supply Depot, 22, Khairu Lane, Central Avenue, South, Calcutta.	
(45) Ralli Brothers Ltd. Printing Press, 16, Hare Street, Calcutta.	29th July.
(46) Modern Art Press, 1/2, Durga Pituri Lane, P. O. Bowbazar, Calcutta.	23rd June.
(47) Bharatbarsha Printing Works, 201 & 203/1/1, Cornwallis Street, Calcutta.	10th May.
(48) Hitabadi Press, 70, Colootola Street, Calcutta.	23rd June and 8th September.
(49) The Bangabasi Press, 6, Bhowani Dutt Lane, P. O. Bowbazar, Calcutta.	24th February.
(50) Sulov Press, 84, Upper Chitpur Road, P. O. Beadon Street, Calcutta.	28th June, 5th September, 18th October and 10th November.
(51) New School Book Press, 3/2, Dixon Lane, Calcutta.	...
(52) Indian Press Ltd., 93A, Dhurrumtolla Street, Calcutta.	11th May.
(53) Hooghly Printing Co., Ltd., 8, Clive Row, Calcutta.	1st August.
(54) Economic Press, 25, Roy Bagan Street, P. O. Beadon Street, Calcutta.	31st August.
(55) Sadhan Press, 74, Dhurrumtolla Street, Calcutta.	12th Decembe..
(56) Kalika Press, 20 & 21, D. L. Roy Street, P. O. Beadon Street, Calcutta.	19th February and 2nd August.
(57) Commercial Gazette Press, 6, Parshi Bagan Lane, Calcutta.	9th and 10th August.
(58) Bengal Art Press, 41, Sikdarbagan Street, P. O. Shambazar, Calcutta.	5th November.
(59) The Statesman Printing Press, "Statesman House", Chowringhee Square, Calcutta	16th December.
(60) The Vishwamitra Press, 14/1B, Shambhu Chatterjee Street, P. O. Bowbazar, Calcutta.	
(61) New Bengal Press, 68, College Street, Calcutta.	17th November.
(62) Ananda Press, 1, Burman Street, P. O. Burrobazar, Calcutta.	17th March.
(63) Bani Press, 16, Hemendra Sen Street, P. O. Beadon Street, Calcutta.	22nd February, 23rd June and 15th August.
(64) Standard Drug Press, 45, Amherst Street, Calcutta.	4th July.

Name and address.	Date of inspection in 1938.
(65) The Model Litho and Printing Works, 66/1A, Baitakkhana Road, Calcutta.	12th December.
(66) The New Indian Press, 6, Duff Street, P. O. Beadon Street, Calcutta.	...
(67) Calcutta Oriental Press, 9, Panchanan Ghose Lane, Calcutta.	23rd February, 9th May and 19th October.
(68) Chittra Mandir, 167B, Dhurrumtolla Street, Calcutta.	16th May and 17th October.
(69) Thacker's Press & Directories Ltd., 6, Bentinck Street, Calcutta.	8th November.
(70) Usha Press, 74, Dhurrumtolla Street, P. O. Dhurrumtolla, Calcutta.	10th May, 27th August and 19th September.
(71) The Calcutta Phototype Co., 6, Chowringhee, Calcutta.	2nd July.
(72) The Eton Press, 98/1, Clive Street, Calcutta.	27th May.
(73) The Technical & General Press, 17, Crooked Lane, P. O. Esplanade, Calcutta.	31st August.
(74) Bharat Mihir Printing Press, 85, Upper Circular Road, Calcutta.	15th February.
(75) Sri Gouranga Press, 5 & 6, Chintamoni Das Lane (off Patuatola Lane), Calcutta.	17th November.
(76) The Star Press, 49A, 99 & 103, Baitakkhana Road, P. O. Amherst Street, Calcutta.	12th December.
(77) The Fine Printing Works, 43 A, Nimtolla Ghat Street, Calcutta.	8th March and 9th September.
(78) Calcutta Chromotype Ltd., 1, Gibson Lane, Calcutta.	9th September.
(79) Prabartak Printing Works, 52-3, Bowbazar Street, Calcutta.	13th June
(80) St. Andrew's Printing Works and Calcutta Stationery Mart, 1, Sun-Yet-Sen Street, G. P. O.	16th May, 9th February, 5th September, 16th September and 8th November.
(81) Jugantar Press, 1/1, Vansittart Row, Calcutta.	2nd June and 27th June.
(82) Fine Art Association, 43, Chattawalla Gully (Lalbazar), Calcutta.	28th June and 16th September.
(83) Mercantile Printing Works, 5 & 7, Weston Street, Calcutta.	25th May and 20th September.
(84) The Alliance Press Ltd., 24, Theatre Road, Calcutta.	2nd June.
(85) Mohammadi Press, 86A, Lower Circular Road, Calcutta.	23rd May.
(86) The Litho Press, 6, Temple Street, P. O. Dhurrumtolla, Calcutta.	27th May.

Name and address.	Date of inspection in 1938.
(87) Muslim Printing & Model Binding Works, 12, Radhabazar Lane, Calcutta.	13th June and 18th July.
(88) Campbell Printing Works, 1, Grant Lane, P. O. Bowbazar, Calcutta.	...
(89) Gordon & Co.'s Printing Press, 106, Narkeldanga Main Road, 24-Parganas.	11th May.
(90) Eagle Lithographing Co., 26, Christopher Road, P. O. Entally, 24-Parganas.	17th May.
(91) Lakshmibilas Press Ltd., 14, Jagannath Dutt Lane, P. O. Amherst Street, Calcutta.	30th May.
(92) Metropolitan Printing & Publishing House Ltd., 90, Lower Circular Road, P. O. Entally, 24-Parganas.	26th June and 24th October.
(93) Bharati Printing & Publishing Co., Ltd., 11/5, North Range (Park Circus), P. O. Park Circus, 24-Parganas.	15th October.
(94) The Metal Decorating & Shipping Co., Ltd., 48, Prince Anwar Shah Road, Tollygunge, 24-Parganas.	
(95) Macneill & Co.'s Ganges Printing Press, 45, Rajnarain Ray Chowdhury Ghat Road, Sibpur, Howrah.	28th January and 9th March.
(96) Glasgow Printing Co., 13, Chatterjeepara Lane, P. O. Kadamtolla, Howrah.	26th July.
(97) Wari Printing Works, 5, Gopikissen Lane, P. O. Wari, Dacca.	6th October.
(98) Alexandra Steam Machine Press, 244, Nawabpur Road, Dacca.	6th October.
(99) Narayan Machine Press, 134, Nawabpur Road, Dacca.	6th October.
(100) The Sreenath Press, 5, Nayabazar Road, Dacca.	7th October.
(101) Harinath Press, Naba Roy Lane, Dacca.	6th October.
(102) Bijaya Press, Patuatuly, Dacca.	6th October.
(103) Provincial Press, Narandia, Dacca.	6th October.
(104) Islamia Printing Works, 23/1, Akmalkhan Road, Dacca.	7th October.
(105) Bharati Machine Press, 27/28, Pyari Das Road, Dacca.	7th October.
(106) The Jubilee Press, Johnson Road, Dacca.	6th October.
(107) The Assam-Bengal Railway Printing Press, Railway Building, Chittagong, Chittagong.	10th December

(2) The number of press proprietors prosecuted in the year 1938 under—

(*i*) Payment of Wages Act—3.

(*ii*) Factories Act—6.

Names of the Presses prosecuted in 1938 under—

(*a*) *Payment of Wages Act*—

(1) St. Andrews Printing Press and Calcutta Stationery Mart, 1, Sun-Yet-Sen Lane, Calcutta.

(2) Calcutta Oriental Press, 9, Panchanan Ghose Lane, Calcutta.

(3) Standard Drug Press, 45, Amherst Street, Calcutta.

(*b*) *Factories Act*—

(1) St. Andrews Printing Press and Calcutta Stationery Mart, 1, Sun-Yet-Sen Lane, Calcutta.

(2) Calcutta Oriental Press, 9, Panchanan Ghose Lane, Calcutta.

(3) Standard Drug Press, 45, Amherst Street, Calcutta.

(4) The Calcutta Printing Co., Ltd., 76, Dharamtola Street, Calcutta.

(5) Usha Press, 74, Dharamtola Street, Calcutta.

(6) Bani Press, 16, Hemendra Sen Street, Calcutta.

(3) Names of proprietors and/or managers of the presses prosecuted in 1938 under—

(*a*) *Payment of Wages Act*—

(1) St. Andrews Printing Press and Calcutta Stationery Mart—Radha Benode Chunder, Manager.

(2) Calcutta Oriental Press—J. C. Sarkhel, Manager.

(3) Standard Drug Press—A. C. Sen, Manager.

(*b*) *Factories Act*—

(1) St. Andrews Printing Press and Calcutta Stationery Mart—Kirity Bhusan Chatterjee, Occupier, and Radha Benode Chunder, Manager.

(2) Calcutta Oriental Press—J. C. Sarkhel, Manager.

(3) Standard Drug Press—A. C. Sen, Manager.

(4) The Calcutta Printing Co., Ltd.—J. N. Bandhu, Manager.

(5) Usha Press—B. B. Sen Gupta, Manager.

(6) Bani Press—S. B. Mallick, Manager.

Teachers in Government schools.

*83. **Babu UPENDRA NATH BARMAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that teachers in Government schools drawing salary up to Rs. 75 are allowed the privilege of educating in Government schools one child free and one child at half the usual rate of fees?

(*b*) Is the Hon'ble Minister aware that clerks in Government schools are sometimes required to do the teaching work in Government schools?

(*c*) Do the Government intend to extend the same privilege to clerks in Government schools drawing salary up to Rs. 75?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reason for not extending the privilege?

(*e*) Are the Government considering the desirability of promoting qualified clerks in Government schools to higher grade services in the Education Department?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) I have no information and it will take time to get the information.

(*c*) The question is under consideration.

(*d*) Does not arise.

(*e*) There is no bar to the promotion of qualified clerks in Government schools to higher grade services in the Education Department.

Babu UPENDRA NATH BARMAN: Will the Hon'ble Minister kindly give me an idea as to how long this question will remain under consideration?

The Hon'ble Mr. A. K. FAZLUL HUQ: Till it is decided.

Mr. ATUL KRISHNA GHOSE: On a point of privilege, Sir. May I enquire from you whether the Ministers are at all inclined to reply to all our questions? In the beginning we find that two or three questions a day are replied and at the end of the session or perhaps on the last day they will rush through 50 or 60 questions. The result of that is that we cannot put any supplementary questions and elicit information.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Particulars of staff (technical and non-technical) in Government Technical Institutions.

36. Mr. FAZLUR RAHMAN (Mymensingh): (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to show in a statement the nature of appointment, method of recruitment, Hindu and Muslim representation, scales of pay and designation of the staff (technical and non-technical) in the following institutions separately:—

(*i*) Government Weaving Institute, Serampore;

(*ii*) Government Silk Weaving and Dyeing Institute, Berhampore;

(*iii*) Technical Schools at Pabna, Bogra, Rangpur and Barisal;

(*iv*) Bengal Survey School, Comilla;

(*v*) Bengal Tanning Institute, Calcutta; and

(*vi*) District Weaving Schools?

(*b*) What measures, if any, have been taken and are proposed to be taken by the present Ministry to improve the percentages of Muslims in the institutions mentioned in (*a*)?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) A Statement is laid on the Library table.

(*b*) Shortly after I assumed office, I issued orders asking heads of departments to speed up all appointments of Muslims in the posts and services under them so as to secure the desired percentage of appointments for them and further directing that till the prescribed percentage of Muslim appointments was attained all vacancies should go to Muslims and in cases in which suitable Muslim candidates were not available specific Government orders should be obtained before appointing non-Muslims. I was, however, confronted with the paucity of qualified Muslims for the technical posts under the department and had, in a number of cases, to approve the appointment of non-Muslims to technical posts for want of qualified Muslims for such posts.

Khan Bahadur MOHAMMED ALI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether he is considering the desirability of giving better facilities to Muslim candidates for technical training?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many candidates were taken during his regime in the Bengal Tanning Institute?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Committee of Public Accounts.

Mr. SPEAKER: I hope that in view of my ill-health the honourable members would allow me to address them while seated, and to ask Mr. Deputy Speaker to read what I have to say.

As regards the motion Mr. Deputy Speaker will explain the reasons why the motion has been put in the Paper.

Mr. DEPUTY SPEAKER: Rule 62, section 124 of the rules, provides that there should be a general Committee of Public Accounts but there is no power given in the rules to make regulations for the election. Therefore that power has to be taken from the House and when that power is given steps will be taken for the election.

Section 62 (2) of our rules provides that a Committee of Public Accounts shall be elected by the Assembly from among its members according to the principle of proportional representation by means of the single transferable vote, but there is no power given in the rules by which the Speaker can decide what should be the method of election. As soon as this power is granted, I want to make a set of regulations to carry out the purposes of the rules, and then copies of such regulations will be supplied to the members and steps taken to constitute the Committee.

With a view to constitute a Committee of Public Accounts the Speaker may make regulations subject to the provisions of rule 62, section 124, of the Bengal Legislative Assembly Rules and Standing Orders.

The motion was put and agreed to.

GOVERNMENT BILL

The Calcutta Municipal (Amendment) Bill, 1939.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to introduce the Calcutta Municipal (Amendment) Bill, 1939.

(The Secretary read the short title of the Bill.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1939, be referred to a Select Committee consisting of the following members, viz.:—

(1) Mr. K. Nooruddin, M.L.A.,

(2) Mr. M. A. H. Ispahani, M.L.A.,

(3) Mrs. Hasina Murshed, M.B.E., M.L.A.,

(4) Mr. Mia Abdul Hafiz, M.L.A.,

(5) Khan Sahib Hatemally Jamadar, M.L.A.,

(6) Khan Sahib Maulvi S. Abdur Rauf, M.L.A.,

(7) Maharajkumar Uday Chand Mahtab, M.L.A.,

(8) Mr. Birat Chandra Mandal, M.L.A.,

(9) Mr. Hem Chandra Nasker, M.L.A.,

(10) Mr. L. T. Maguire, M.L.A.,

(11) Mr. G. Morgan, C.I.E., M.L.A.,

(12) Mr. R. M. Sassoon, M.L.A.,

(13) Mr. Santosh Kumar Basu, M.L.A.,

(14) Mr. Jogesh Chandra Gupta, M.L.A.,

(15) Mr. Barada Prosanna Pain, M.L.A.,

(16) Mr. A. M. A. Zaman, M.L.A., and

with your permission, Sir,

(17) Mr. A. R. Siddiqi, M.L.A.,

(18) Khan Sahib Maulvi Md. Solaiman, M.L.A., and

(19) the mover,

with instructions to submit their report—I want to change the date from 24th February to 6th March—by the 6th March, 1939, and that the quorum of the Select Committee be fixed at five.

Sir, at the very outset, I wish to explain the reasons which have actuated Government in proposing a reversion to the system of separate electorate for Muslims in elections to the Calcutta Corporation. Members of the House are aware that in the Calcutta Municipal Act of 1899 there was no provision for any communal representation of Muslims either through separate electorate or by reservation of seats for that community. When, however, the question of amending the Calcutta

Municipal Bill, 1899, was taken up for consideration in 1913, the necessity for providing for proper Mahomedan representation on the Corporation was generally admitted in view of the fact that although Mahomedans formed more than 25 per cent. of the population of the city, they were practically unrepresented on the Corporation except through Government nominations, owing to the disproportionate smallness of their voting power as compared with that of the other communities. In 5 wards (viz., Nos. 8, 14, 15, 20, and 24) the Mahomedans exceeded the Hindus in numbers, and yet in all these wards the Hindus could outvote them.

In 1913, there was only one Mahomedan elected Commissioner; but at the next election, which took place in March, 1915, not a single Mahomedan was elected, and Government had to appoint 5 Mahomedans out of a total of 15 appointments in their hands. It was generally felt that the Mahomedan population should have its fair share of representation on the Calcutta Corporation and the Government, as then constituted, consulted public opinion as to the best method of securing that object. The Corporation by a large majority advocated some provision for the proper and adequate representation of Mahomedans. Muslim public opinion was unanimously in favour of communal representation through separate electorate, and the Bill which was drawn up by the then Government made provision for an entirely separate electorate to return 9 Mahomedan Councillors. This Bill was actually introduced in the Bengal Legislative Council on 20th of November, 1917; but was withdrawn by the then Government in 1919, mainly in view of the inauguration of the Reformed Council which, it was then felt, should be given the opportunity of dealing with the amendment

The question of a thorough amendment of the Calcutta Municipal Act, 1899, was taken up soon after the inauguration of the Montagu-Chelmsford Reforms. Although Mahomedan opinion was still strongly in favour of separate electorate, the Bill of 1921, which was introduced in the Council by Sir Surendra Nath Banerjea, provided for reservation of a certain number of seats for Mahomedans to be filled by election through the general electorate. This was contrary to the declared wishes of the Muslim representatives in the Council who, as already observed, were all in favour of separate electorate for their community. Under the then Constitution, however, they were in a minority in the Legislative Council although they represented the majority population in the province and therefore the majority opinion in the Council, did not represent the majority opinion of the province in regard to this matter. The Muslim members of the Council, while vehemently opposing the proposal for reservation, were, in the circumstances, forced to accept compromise at the intervention, as I understand, of the leader of the European Group. That compromise was to the effect

that during the first 9 years after the passing of the Bill, Mahomedans would be represented on the Corporation through separate electorate, but that with effect from the 4th general election, seats would be reserved for them in some constituencies to which elections would be held through the general electorate. Although the Bill provided that after the first 9 years separate electorate would automatically disappear, and the machinery of the general electorate would come into operation, all the prominent Muslim members of the then Legislative Council who took part in the debate made it perfectly clear that they adhered to the principle of communal representation through separate electorate, and that, if at the end of the period of 9 years, the community was still very strongly in favour of separate electorate, its representatives in the legislature should not be debarred from bringing in a Bill for amending the Act. With your permission, Sir, I would like to quote here the actual words used by some of these gentlemen which will be found in Volume XI, No. 2, Bengal Legislative Council Proceedings, February, 1923.

Sir, Khan Bahadur Maulvi A. Salam said: "At the same time while we accept it, we want to make it clear that we do not in any way abandon our position with reference to the question of separate Muslim electorate. Nor do we mean that we have ceased to have faith in that principle of separate electorate, nor do we in any manner bind our successors in this Council who will come 9 years hence. If they think as we think to-day, it will be open to them to bring in amendments in order to prolong separate electorate and to secure what we have secured to-day; further than that it is not necessary for me to say."

Mr Syed Nasim Ali spoke on the Calcutta Municipal Bill as follows: What he said will be found at page 268 of the Bengal Legislative Council Proceedings of 1923, Volume XI, No 2: "Sir, in supporting this amendment I hope I may not be misunderstood. I find that some of my Muhammadan friends are under the misapprehension that this acceptance of the principle for nine years would debar them from raising the question after that period. It is absurd to say so. Constitutionally, legally, we cannot bind ourselves or our successors. Nor does this mean that we are to abandon this principle of communal representation by separate electorate. Nor do we pledge ourselves or our successors to that effect. The whole question would be a question of onus. After nine years we will have to satisfy the Government that it is still needed. By making this compromise we simply take the burden of proof upon ourselves."

Then, Sir, there is one small portion which will be found very interesting by honourable members. This was in reply to the remark of Rai Dr. Haridhan Dutt Bahadur that some members of the Corporation had been returned through the General Electorate. It runs as follows: "The gentlemen mentioned by Rai Dr. Haridhan Dutt

Bahadur used to be returned long, long ago, but since then we have men like Maulvi Fazlul Huq, Dr. Abdulla Suhrawardy and Dr. Hassan Suhrawardy. *They have not been returned by the General Electorate and Maulvi Fazlul Huq had to come in by the back-door of nomination.*" *Most interesting.*

Towards the end of this ninth year period, Muslim public opinion was very strongly in favour of separate electorate and some members of the Council actually gave notice of Bills to amend the Act with a view to retaining the system of representation through separate electorate for a further period. I am referring, Sir, to the two Bills sponsored by Maulvi Abul Kasem and Mr. Abdur Raheem. Although based on the declared wishes of the majority population in the province, the Bills were thrown out in the very initial stage of introduction by the Council as then constituted.

Experience of the working of the joint electorate which came into force with effect from the fourth general election held in March, 1933, clearly demonstrated that the Muslim Councillors who were returned through joint electorate were men who represented the views, not of the rate-payers belonging to their own community, but of the majority community on whose votes they had to rely for their success at the election. As a matter of fact, this was one reason, besides several others; why, at the last general election held in March, 1936, a large section of Muslims decided to boycott the Corporation elections, and, in consequence, Government had to make appointments to certain seats reserved for Muslims on account of complete failure of election to those seats. Ever since then, there has been an insistent demand, both inside and outside the Legislature, for the restoration of separate electorate for Muslims in the elections to the Calcutta Corporation. On the analogy of the electoral provisions of the Government of India Act, 1935, Government have, therefore, considered it necessary to take immediate steps for meeting this demand, so that the next general election of the Corporation may be held on the basis of separate electorate for Muslims.

I may remind the House that in Bombay, in the Borough Municipal Act as well as in the District Local Boards Act, there is provision for separate electorate for Muslims, but they have been given the option of reverting to joint electorate if they so desire. The principle, that the form of the electorate should depend on the choice of the community itself, has, therefore, been conceded. Here, Sir, we are following almost the same principle. The Muslim community has been all along persistent in their demand for a return to separate electorate, and this is what has been provided for in the Bill.

Turning now, Sir, to the other matters dealt with in this Bill, it is proposed to create separate electoral constituencies for Anglo-Indians, and for Labour, and to allot two extra seats to each of these constituencies. It is also proposed to reserve seven seats for the scheduled

castes in the general constituencies. It has, therefore, been found necessary to increase the total number of elective seats from 77 to 84, which would be distributed in the following manner:—

General seats	.. 46	(out of which 7 seats are to be reserved for scheduled castes.)
Muslim seats	.. 22	
Anglo-Indians	.. 2	
Labour	.. 2	
Special Constituencies		
Bengal Chamber of Commerce	.. 6	
Calcutta Trades Association	.. 4	
Calcutta Port Commissioners	.. 2	
Total	.. 84	

According to the latest compiled figures, the proportion of the Muslim population in the City is not less than 26 per cent at the present time, and the allotment of 22 out of 84 elective seats to the Muslims is, therefore, in accordance with the proportion which the population of the community bears to the total population. The Anglo-Indians form 1·4 per cent of the total population. On the basis of population, they are strictly entitled to a little above one seat. It is proposed to give them a slight weightage and to allow them two seats, to be filled through a separate Anglo-Indian electorate. Anglo-Indian members of both the Houses as well as some other leaders of that community who have been consulted by Government have almost unanimously pressed for representation of the community on the Corporation through a separate electorate.

The scheduled caste Hindus form about 9 per cent. of the total population of Calcutta. On that basis, they are entitled to a little over 7 out of 84 elective seats. While the original Government of India Bill provided for separate electorate for the scheduled castes, the scheduled castes themselves came to terms with their caste Hindu brethren, and agreed to representation on the provincial Legislature through the general electorate under the Poona Pact; and, therefore, Government have adhered to that principle in the present Bill. The seven seats which have been allotted to the scheduled castes have been reserved in some of the general constituencies where the scheduled caste population preponderates. The proposal with regard to the representation of Labour on the Corporation follows the principle adopted in Madras and Bombay. Government have proposed, on the analogy of

the electoral provisions in the Government of India Act, 1935, to constitute a separate Labour constituency which will elect two representatives on the Corporation.

I may explain to the House that in making the allocation of the elective seats of the different constituencies in the different wards, care has been taken, as far as possible, not to disturb the existing allocation. For Labour as well as for Anglo-Indians, a single constituency is proposed for the whole of Calcutta.

In conclusion, Sir, I may frankly state that Government have introduced this measure in deference to the insistent demand of the majority of the people of this province. It is undeniable that in the present state of feeling between the two principal communities in the province, namely, Muslims and Hindus, election through joint electorate does not ensure the return of men on the Corporation who really represent the views of the Muslim community in matters vitally affecting their interests. There can be no doubt, Sir, that this has been one of the major causes which have contributed in recent years towards strained relationship between the two communities, not only in the civic life of Calcutta, but also in other spheres. I sincerely hope that the provision of separate electorate in the Calcutta Municipal elections for Muslims will ultimately result in bringing about an improvement in the relation between the two most important communities in the province, because I believe that once the suspicion that exists, rightly or wrongly, that Muslim interests are not safe in Hindu hands, and *vice versa*, disappears through joint work and endeavour in common spheres by *bona fide*, accredited, representatives of Muslims and Hindus, the way will be clear for a real, abiding union of the two communities which make up the Bengali race that stands for what Bengal has done in the past and will achieve in the future. Believe me that such a day will not be long to come if only the two communities will learn to render justice and fairplay to each other, and each will look upon the other as an equal partner, banishing altogether the idea of either domination or subordination in the governance of this province. And it is precisely because this belief is almost a faith, so far as I am concerned, that I have made myself responsible for this Bill hoping thereby to make a contribution to the solution of the most outstanding problem that confronts both Muslims and Hindus alike.

With these words, Sir, I commend my motion to the acceptance of this House.

Mr. SPEAKER: There are two groups of motions one about eliciting public opinion and another about adding or substituting names of members of the Select Committee. What I propose to do is that in the first instance those motions which the movers want to move will be moved formally and after that, I will allow a full debate on the whole subject.

Mr. JOGESH CHANDRA GUPTA: Sir, there is a matter of very great urgency which my friend, Mr. Zaman, who has witnessed it with his own eyes, is going to mention before——

Mr. SPEAKER: He must write to me before I can allow the proceedings of the House to be disturbed.

Mr. A. M. A. ZAMAN: আজ টাউন হলের সম্মুখে মারা মারি হইয়াছে —

Mr. SPEAKER: I cannot allow the normal proceedings of the House to be disturbed unless I am satisfied that there is real urgency in the matter. I am going to my chamber in a few minutes where I shall hear what you have got to say.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by 31st December, 1939.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1939.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1939.

SJ. NARENDRA NATH DAS GUPTA: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th July, 1939.

Mr. SANTOSH KUMAR BASU: Sir, I beg to move by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Mr. ADWAITA KUMAR MAJI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Mr. P. BANERJI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Mr. C. GRIFFITHS: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1939.

Mr. SYED JALALUDDIN HASHEMY: May I move my amendment No. 24(12)?

Mr. SPEAKER: No, it is not in order.

Mr. BIRENDRA NATH MAZUMDAR: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1939.

Mr. SYED JALALUDDIN HASHEMY: May I have your permission to move my amendment? I have taken consent of two members and I submit that the other two names be deleted and in their places two other names be substituted.

Mr. DHANANJOY ROY: I beg to move that after the name of Mr. A. M. A. Zaman, the following names be inserted, namely:—

(1) Mr. Monmohan Das, and

(2) Babu Lakshmi Narayan Biswas.

Mr. SPEAKER: I am sorry, it is out of order.

Dr. NALINAKSHA SANYAL: Sir, May I have your permission to move my amendment No. 24 (2)? I am sorry I could not come in time, as I was held up outside owing to a riot going on in front of the Town Hall.

Mr. SPEAKER: Yes, you can move your amendment

Dr. NALINAKSHA SANYAL: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Mr. SPEAKER: I may now inform the House that Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 15 and 20 are the motions which are before the House. There will be one debate on all these and if the debate is concluded to-day, the motions will be put to-day; in case it is not finished to-day, I propose to put the motions to-morrow at 5-20 p.m. I may inform the House that I propose, if possible, to finish the debate by 5-20 p.m. to-morrow. As regards voting, what I propose to do is that I shall first put the motion for circulation to the vote; if that is carried, the different motions for circulation will be put, but if that is lost, the rest will go.

Mr. SANTOSH KUMAR BASU: Sir, I rise to speak in support of the amendment which I have placed before the House. I had a

mind to oppose the introduction of this ill-conceived measure which has been put forward by the Ministry in the hope that in this House in which they command a majority, they will meet with greater success than they were able to achieve in the last Council where admittedly, according to my honourable friend, the Muslim Councillors were in a minority. That indeed is the only reason which my honourable friend has put forward to-day which can really bear scrutiny.

The Hon'ble Minister has given a rapid survey of the history of this legislation since the year 1899, when under the inspiration of Sir Alexander Mackenzie the Calcutta Municipal Bill was passed into law, by which all power was centred in official hands in the Corporation of Calcutta. The composition of that body was such under that Act that the members selected by the rate-payers of Calcutta were equal in number to those who were not elected by the people of the city. It was in 1913 or 1915 as I gather from the statement made by the Hon'ble Minister that an attempt was made to introduce separate electorates for the election of Muslim members of the Corporation of Calcutta. Probably my friend has not realised the reasons which induced the Government of the day in making a proposal of that character. It was for the purpose of securing some representation of the Muslim citizens who were almost in an insignificant minority compared to the total population of this city by the only method that could then be contemplated, namely, the system of separate electorates. At that time the new device which was for the first time adopted in the Calcutta Municipal Bill of 1923 was not thought of, namely, the device of a joint electorate with reservation of seats for a particular community. I am sure, the idea of separate electorates, pure and simple, would not have been adopted by the then Government of this province, if it had occurred to them at the time that there might be a more convenient, a more appropriate method of securing Muslim representation without doing any violence to the idea of common citizenship.

In the year 1921 when the genius of Sir Surendra Nath Banerjea for the first time conceived the idea of freeing this great city from the shackles imposed upon it by the Municipal Act of 1899 that this question of Muslim representation through joint electorates was put forward before the Legislative Council. Sir Surendra Nath Banerjea's overwhelming idea was that a complete transference of power from official hands should be effected in this city and that the representatives of the people of this city should be endowed with complete power, with complete autonomy, and should be granted those essentials of self-government which have placed the administration of this city in the hands of the people ever since the passing of that Act. Along with that idea of complete transference of power it was considered essential by Sir Surendra Nath Banerjea that representation of the communities

should be secured through joint electorates in order that those powers might be enjoyed in common by councillors returned to the Corporation through one common channel. That was the idea which ran through this legislation and that was the idea which prevailed through every section of this Act. It was by the consciousness of a common citizenship with a spirit of service for the entire community irrespective of any special communal colour that service to the citizens of Calcutta could be best secured. If you transfer power to the hands of the people and also divide them into watertight compartments, the two could not go hand in hand. Opposition to the proposal of a joint electorate came from Muslim members of the Legislative Council. There was, however, a notable exception. As the name of Dr. Abdulla Suhrawardy has been mentioned by the Hon'ble Minister himself, I might be permitted, Sir, to place before this House a few passages, most significant and eloquent passages, from the speech of Dr. Suhrawardy delivered on that occasion in the Legislative Council. He said: "There is an impression created in the House by the arrogant and impudent assertion of a speaker that Muhammadan members as a whole are all up in arms against this Bill. I am glad that my honourable friend Maulvi Emdaduddin Ahmed has made it clear that nothing could be further from the truth. I respectfully submit to the House that it should appraise the speeches at their true worth and value and not take seriously the unconsidered judgment, the wild utterances of those whose first acquaintance with public life is only through the door of communal representation. Naturally they cling to it as a new born babe to its mother."

Then the honourable member proceeded: "Sir, I have carefully examined the advantages and disadvantages of the proposed method of Muhammadan representation and have weighed calmly and dispassionately its pros and cons and I am satisfied that the balance of advantage is in favour of the Muhammadans. We are given 13 seats especially reserved for us where we had none. We are given the right of voting in the general electorate and our voting strength in the general electorate will be increased considerably in excess of that of the Hindus. The Muhammadans will thus be in a position to turn the scale in favour of any candidate, Hindu or Muhammadan."

Then again he says ——

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: May I know to which minutes of the debate the honourable member refers?

Mr. SANTOSH KUMAR BASU: Minutes of the Debate of 1st December, 1921.

He says: *"Even under existing conditions it is not an impossibility for non-Hindus to be returned to the Corporation and other local bodies through mixed electorates. The names of the Cohen brothers and Nawab Badruddin Hyder in the Corporation, Mr. D. J. Cohen in the Council, Nawab Khwaja Mahommed Yusuf, Chairman, Dacca District Board and for nearly 28 years that of the Dacca Municipality, Khan Bahadur Wasimuddin Ahmad, Maulvi Emdaduddin and Khan Bahadur Aman Ali, Chairmen, respectively, of the District Boards of Pabna, Rajshahi and Chittagong are those of a few gentlemen elected through the mixed electorates which occur to me at present."* That was the position, Sir, in the old Legislative Council, where at least one strong lone voice, if it was a lone voice, had the courage, the statesmanship and foresight to rise and condemn the idea of separate electorates.

Then, Sir, when the Bill was passed into law, a compromise was brought about at the instance of Mr. Langford James, the then Leader of the European Group in the Legislative Council, the result of which was that this communal electorate was to be in operation for a period of 9 years and provision was made in the statute itself that it would be substituted by joint electorates at the end of that period.

I now ask you to remember and ask this House to remember what was the immediate effect of the introduction of separate electorates for the first time in this city of Calcutta, as a result of the passing of the Municipal Act. The immediate effect was that communal frenzy was let loose in this city of ours; the immediate effect was that there was a burial in the very heart of the Sir Stuart Hogg Market as a result of the outburst of communal passion to which the lead was given by a young Muslim member of the Calcutta Corporation junior and young indeed, but intoxicated with ambition and usurpation of authority and with a desire to capture that communal constituency at the next election. The sense of decency of the entire city was shocked, but the act had been committed. When Mr. C. R. Das sitting in the Mayoral Chair upheld the action of the Corporation executive in walling up the whole place, so as to shut it out from public view, the Muslim Councillors protested against that step and staged a walk out; when Mr. C. R. Das stuck to his point with quiet dignity and firm determination.

That was one effect of communal electorates introduced for the first time in Calcutta. This was followed shortly after by extensive communal riots in the city—communal riots which held the city in their sanguinary grip for more than a month, unprecedented in their extent and virulence.

Sir, with the introduction of joint electorates in 1933 a welcome change came over the situation. I challenge the Hon'ble Minister to substantiate his statement that through the joint electorates only those people who were unrepresentative of real Muslim interests could

be returned. I have only got to mention the names of some of those who succeeded in entering the portals of the Corporation through the door of joint electorate in 1933 for the purpose of giving the lie direct to such a statement. My esteemed friend Khan Bahadur Abdul Momin, my friend Mr. M. A. H. Ispahani, my friend Mr. Shamsuddin Ahmed, Mr. A. K. M. Zakaria, the present Mayor, Dr. R. Ahmed, Captain Dabiruddin Ahmed and last but not least, Mr. A. K. Fazlul Huq.

The Hon'ble Mr. A. K. FAZLUL HUQ: I was defeated!

Mr. SANTOSH KUMAR BASU: It might be that he was defeated for the first time but immediately after my friend was returned unopposed——

The Hon'ble Mr. A. K. FAZLUL HUQ: I was not opposed by any Muhammadan candidate.

Mr. SANTOSH KUMAR BASU: My friend was unopposed because no Muhammadan candidate was put up on behalf of the Hindus in opposition to Mr. Fazlul Huq. (The Hon'ble Mr. A. K. FAZLUL HUQ: Nobody came forward.) Now, Sir, I would ask this House to consider which of these names the Hon'ble Minister characterises as the name of a person who cannot represent the true interests of Muslims of Calcutta. I am solemnly putting that question to show that the very premise upon which his conclusion is based is absolutely wrong and absolutely untenable. I might also remind the House that it was during the time of joint electorates that a Muslim Mayor was elected for the first time with unanimity, unique unanimity, in the history of the Corporation (A voice from the Coalition Benches: A puppet). I am referring to Mr. A. K. Fazlul Huq and if this remark is applied to him that he was a puppet and was more than a Hindu then the Hindu community will be proud of that. (A voice from the Opposition Benches—Is he a puppet still?) Is it also known that it was at that time for the first time in the whole history of the Corporation, that a fixation of percentage (to the extent of 25 per cent.) in the Corporation services was secured for Muslim candidates? I know that considerable attempts were made by separate electorate-*walas* to secure such representation but they failed because the Hindu Councillors did not have any sense of responsibility towards the Muslim residents of this city to whom they never went for the purpose of securing their support. The inevitable result was that Muslim interests were sacrificed—inevitably sacrificed—because there was such a vast difference, a vast remoteness and a vast distance between the Hindu Councillors and the Muslim electors of the city. That artificial barrier was the direct cause why the Muslim citizens felt the brunt of the mischief of the system of separate electorates for Muslim Councillors.

Now, Sir, one other point has been raised in the Statement of Objects and Reasons, namely, that it is on the analogy of the Government of India Act that the provisions of this Bill have been fashioned. The Government of India Act has provided that separate electorates should be set up for the election of members to the Legislative Assembly. Now, Sir, where is the analogy? In the Legislative Assembly we meet twice or thrice a year. We simply deliberate, debate and depart in peace to our respective homes. The work of running the administration of Government is left to the Cabinet and Cabinet alone, through the executive officers under the Government. Not so in the Corporation. There we have to carry on the work of the city—the Councillors have got to carry on the municipal administration—from day to day, from week to week, in meetings of the committees and in meetings of the Corporation. They pass orders in the shape of resolutions for the Executive to carry out. If you infect that atmosphere with the communal poison and give it a statutory recognition, if you introduce there the spirit of faction and communal animosity you can well realise the effect that will inevitably ensue. Therefore, Sir, I am asking you once again, where is the analogy with the Government of India Act? Where is that analogy again when they keep alive the principle of nomination as they propose to do in the present Bill? Nomination has been definitely banned under the Government of India Act. It has been banished from the Legislative Assembly. Why do you keep up nomination in the present Bill while you choose to follow or pay lip homage to the provisions of the Government of India Act? Is not this a contradiction in terms? Sir, it is not possible for me to make even a passing reference to the work of the Corporation for the last 15 years in the short space of 15 minutes. But I will only place before you one passage from the observations of Khan Bahadur Abdul Momin about his experience in the Services Committee of the Corporation—that Committee which dealt with matters forming the main bone of contention from the Muslim point of view. At the end of the second year after the joint electorate—the much maligned joint electorate—had been introduced in the Corporation, Khan Bahadur Abdul Momin said at the last meeting of the Services Committee held on the 30th March, 1945: "As this was the last meeting of the committee I would take this opportunity to place on record my sense of gratefulness both to the Chairman and to the Deputy Chairman of the committee for the very efficient manner in which they have guided the deliberations of the committee. At first I was unwilling to become a member of the committee because I thought that we being in a minority would not be able to do our duty in the proper sense of the word but the manner in which both the Chairman and the Deputy Chairman presided over and controlled the debates of the meetings of the committee did not give us any opportunity to feel that we are in a minority. While presiding over the meetings they have always given

a patient hearing and allowed free discussion on every matter. For this I offer my thanks to the Chairman and the Deputy Chairman and wish to record our gratefulness to them. I thank also the members of the Committee for the team work which they have all along been able to show. Although, at times, we had occasion to differ from one another, yet in the long run we did always come to an agreement".

That is the spirit in which the joint electorate system had been worked in the Corporation, when at the end of the first term an artificial agitation was sought to be set up for the purpose of creating a case for reversion to separate electorates as on the present occasion and for effecting a political stunt in view of the approaching communal elections for the Legislative Assembly. Because Muslim members have come in large numbers to this House I submit, Sir, most respectfully that that cannot be a reason for a violent departure from the existing system. You may have the majority. You may inflict the tyranny of the majority upon others but that is absolutely no reason why you should put it forward as something which is necessary in the interests of Hindus and Muslims of this country. Sir, I would only conclude my observations with reference to this reliance by the Hon'ble Minister upon the so-called analogy of the Government of India Act by making two quotations, one from the Montagu-Chelmsford Report and the other from the report of the Simon Commission. With regard to separate electorates it is stated in the Montagu-Chelmsford Report—

> "We regard any system of communal electorate, therefore, as a very serious hindrance to the development of self-government in principle. The evils of any extension of the system are plain".

Is this not, I ask in all humility, an extension of the system of communal electorate to the sphere of local bodies that is sought to be perpetuated in the present Bill?

In this connection I would also invite the attention of this House to the observations of the Simon Commission in the report made by them with regard to the necessity of the development of a sense of common citizenship. At page 334 of Volume I of the report this is what is stated—

"While it may be hoped that the faults referred to above may, with greater experience and with a growth of public spirit, be corrected, there remains another serious difficulty which militates against sound local Government. Communal and caste dissensions which are to-day the most serious problems in Indian politics have naturally affected local bodies. The violent sectional antagonism between Hindus and Muslims, Brahmins and non-Brahmins, has certainly impaired the efficiency of local bodies, which has tended to prevent the employment

of fittest persons in administrative posts, and has, in many instances, occupied the attention of the members to the exclusion of all other considerations. It is clearly the greatest obstacle to the development of a sense of common citizenship which is the necessary basis for healthy civic life."

Sir, I do not desire to prolong my observations. In 1921 when the Muslim members of the Legislative Council desired to veto the idea of a joint electorate, they did it because they had no experience of the working of that system. To-day we stand with experience of 9 years of operation of separate electorates and 6 years of joint electorates. It has shown conclusively that it is only by joint electorates that, in spite of the efforts of high priests of communalism in this city, the idea of common citizenship can be achieved and evolved. I know there are members of the Muslim community who will stand no chance if the electorate is overwhelmingly Bengalee. I also know, Sir, that some of them succeeded in getting through joint electorates into the portals of the Corporation, but unfortunately by their activities in the Corporation they have shown themselves unfit to carry on the civic work of this great city. I know very well that if they are given a free hand once again the civic affairs of Calcutta may again be brought to a standstill. Let us not ignore the warning of the past.

Maulvi ABU HOSSAIN SARKAR: Sir, I do not consider that the measure is meant to benefit the Muslim community of Bengal as a whole. It is meant to introduce separate electorate in the Calcutta Corporation for the benefit of a section of Muhammadans residing in Calcutta only. In the Statement of Objects and Reasons, it is stated that "since this change (from separate electorate to joint electorate) was effected, Muslim public opinion has emphatically expressed the view that the Muslim Councillors returned by joint electorate, have very largely represented the wishes of the majority community and have not been truly representative of the Muslim interest". Or in other words, it means to say that the Muslims who will be elected by the separate electorate will be usufructuary mortgagees of Muslim interest in the Corporation of Calcutta. May I ask from where they derive this preposterous claim? The Hon'ble Mr. Fazlul Huq was elected when the joint electorate system was introduced in the Calcutta Corporation on a Congress ticket. Is there anybody in this House who can say that the Hon'ble Mr. Fazlul Huq did not represent the Muslim community of Bengal? Khan Bahadur Abdul Momin and Mr. Shamsuddin Ahmed were also Councillors elected under the joint electorate system. May I ask through you, Sir, is there any man in this House who can say that Khan Bahadur Abdul Momin or Mr. Shamsuddin Ahmed is not a true Mahomedan, or did not represent Muslim interest in the Calcutta Corporation? Under the false cry of representing Muslim interest in the Calcutta Corporation, the non-Bengali elements are trying

to perpetuate their hold in Calcutta, and that is also in the premier self-governing institution in Bengal. Unfortunately, Sir, the Urdu-speaking non-Bengalis, the Iranis, the Suhrawardys, the Siddiqis, the Adamjis and the Currimbhoys,—are in majority in Muslim Calcutta. Most of them are wholesale agents for selling cheap German, Japanese and Italian goods. The Hindus from a long time have boycotted foreign goods. But thanks to the activities of the Buriganga school of politicians, who are also non-Bengali in origin, for the last 30 years or so, the Muslim masses are not allowed to be conscious of the danger of foreign exploitation. Taking advantage of this colossal ignorance, the Adamjis and Currimbhoys of Colootola *cum* Radhabazar are exacting enormous amount by selling these cheap goods to the Muslim masses. At this time they have also discovered that a strong religious feeling pervades the mass mind of Bengal. So these Iranis, Ispahanis, Dadabhais and Currimbhoys, Adamjis and Salehjis in collaboration with Ghuznavis, Suhrawardys and Khwajas, none of whom are Bengalis, have invented the cry of "Islam in danger," only for the purpose of exploiting Bengal politically and economically. Examine the present political history of Bengal for the last 30 years, and you will find the political monopoly of the Khwajas, the Suhrawardys and the Ghuznavis —the Indo-Iranians who still cast a longing and lingering look beyond the Iranian mounts - whose forefathers came to exploit Bengal alone, but seeing it now impossible to do so, have joined the Campbells and the Morgans, the representatives of European interest in Bengal. Again look at the markets of Ezra Street and Radhabazar where mostly the country people of Mr. Jinnah carry on their commercial depredations, you will not find a single Bengali Muslim in their establishments. Why then Bengal will tolerate their domination? These foreigners are rolling in wealth, while the mass people are selling their ornaments, gold and silver, the only family reserve in lump in village markets like potatoes and other agricultural produce. They have exploited Bengal for a long time, and now by introducing separate electorate in the Corporation they want to perpetuate their hold in the centre of the country. Calcutta is the brain of Bengal, and if by sheer majority of number, they can strengthen their hold on it, the case of Bengali Muslims, the true born sons of Bengal, will be doomed. The gentlemen who are elected under the joint electorate system are those who want to see prosperous Bengal under Hindu-Muslim unity, but the separatists want economic exploitation and not prosperity of the province. They were successful in driving Bengali Muslims from the Khilafat Committee and the Central Muslim League, and this is the third venture with the help of the Hon'ble Mr. Fazlul Huq who, like Mr. MacDonald, a Liberal in London, a Laborite in Manchester, and a Socialist in Loussimouth, to drive the Bengali Muslims from the Calcutta Corporation. I pray, Sir, these Ispahanis and Siddiqis and other gentlemen who came from Iran and other places instead of instilling communalism in our country may go to the country of His

Majesty Reza Shah Palhavi and fight with him to introduce separate electorate there. Mr. Ispahani and Mr. Siddiqi who have taken some hold in Bengal have been successful in bringing a Headmistress of a Muslim school from the Punjab and the Principal of the Engineering School from the North-Western Frontier Province, and in recruiting a Sessions Judge from the Bar—the only member who has been selected of late as District Judge—Mr. Ispahani, who, I think, is an Iranian and a brother of Mr. Ispahani here. In all these cases, Sir, the claims of true born Bengalis were brushed aside. I request again, Sir, that these gentlemen should not be allowed to do mischief to our country. They may go back to their native homes with bags and baggages, and this kind of interference in our political and social life should not be tolerated any more. We do not like that our mother country should be exploited in the name of religion in order to sell cheap foreign goods to the Muslim masses. Hindu might have done some harm to the Muslims but that wrong will not be righted if it is done by an awful minority whose origin is foreign. So, I request this House through you, Sir, to send this Bill for circulation. Let our countrymen think of this Bill and its evil consequences in the light of their own interests.

With these few remarks, Sir, I commend my motion to the House for acceptance.

Mr. DEPUTY SPEAKER: I adjourn the Assembly for fifteen minutes.

The Assembly was then adjourned for 15 minutes.

(After adjournment.)

Maulvi ABDUL LATIF BISWAS: Mr. Deputy Speaker, Sir, I knew before that there would be condemnation of such a high order from my friends opposite. (Dr. NALINAKSHA SANYAL: Because it is a pernicious Bill.) I am ill, and I hope my friend will not kindly disturb me. Sir, the reason is not far to seek. The reason has already been supplied by my esteemed friend Mr. Santosh Kumar Basu. He has said that as far back as in the year 1923 the late lamented Sir Surendra Nath Basu (Dr. NALINAKSHA SANYAL: Not Basu but Banerji)—I am sorry, Sir Surendra Nath Banerji—had found out a formula to get rid of this difficulty. No doubt, Sir, a formula, a very good formula was found out, but after the working of so many years the formula has proved worthless. Sir, I shall submit one point for the consideration of the House. I think it is fresh in the mind of everybody that before the last general election the Muslim Councillors of the Calcutta Corporation together with the Mayor in the person of the Hon'ble the Chief Minister had to leave and boycott the Corporation for the iniquities and injustice meted out to the Muslim community as a whole. (Mr. JOGESH CHANDRA GUPTA: Not on electorates.) At that

time, Sir, public opinion had found expression that the fixation of the minimum number of services for Muslims together with the introduction of joint electorates—I am sorry, separate electorates (Dr. NALINAKSHA SANYAL: Truth comes out)—will be the only remedy. My friend will kindly wait and listen to me. I believe that my esteemed friend Mr. Santosh Kumar Basu has said that those gentlemen who have been elected to the Calcutta Corporation are the representatives of the Muslim community. I do not like to answer that, but this I can say that the whole Muslim community has given its answer in an unequivocal and unambiguous manner. They have issued an injunction against the entrance of the Muslims to the Corporation. In utter disregard of that injunction of the Muslim community as a whole, a few gentlemen were found out by the Congressmen to occupy their seats in the Calcutta Corporation. I need not narrate the way in which the election took place. I need not say how many Muslim voters cast their votes. From this fact, I believe my esteemed friend and his colleagues will come to the irresistible conclusion that the gentlemen who have found a place in the Corporation through the grace of Congress are not the genuine representatives of the Muslim community as a whole. (Maulvi ABU HOSSAIN SARKAR: Barring Mr. Fazlul Huq.) (Maulvi ABUL HASHIM: He was not in the Corporation then.)

Sir, my friend has very emphatically said that Mr. Zakaria, the Mayor, is a representative of the Muslims. In answer to this I will say that Mr. Zakaria is not the representative of the Muslim community. After his installation in the Mayoral *Gadi*, he has been condemned by all sections of the Muslim community without any distinction excepting of course those persons who had their interests in the Corporation. (Mr. JOGESH CHANDRA GUPTA: Question.) (Dr. NALINAKSHA SANYAL: Mr. Fazlul Huq congratulated him!) Now, Sir, I am submitting that there is no necessity for the circulation of this Bill. The aim of circulation is to ascertain the necessity and desirability of the introduction of separate electorate. That opinion has already been expressed both in the press and on the platform. I have already said that the Muslim community have already expressed their views day in and day out demanding separate electorate as well as the fixation of the percentage of the Muslim service in the Corporation. I am a member of the public and, as such, I have a right to express my own opinion and say what I think proper, and what the majority and the greatest number, almost all, barring those few gentlemen sitting in the Opposition Benches, also think proper- - -

Mr. SURENDRA NATH BISWAS: Why are you making public meetings by force?

Mr. DEPUTY SPEAKER: No interruption, please.

Maulvi ABDUL LATIF BISWAS: I have already said that public opinion has been expressed. Of course, there is no denying the fact that Congressmen as a whole decry and condemn separate electorate, but I may assert that their opinion is nothing but the opinion of aggressors who are ruling the Corporation to the detriment of the minority interests. Now, whether separate electorate is a necessity or not, that is to be determined and settled before the acceptance of the circulation motion

Sir, I accept the formula of my esteemed friend, Mr. Santosh Kumar Basu who has said that in 1923 the formula of joint electorate with reservation of seats for Muslims was found out. One portion of the whole thing was taken out and another portion remained to be fulfilled. It was the pious wish of that lamentable and great leader of Bengal that the Hindus would show their magnanimity to the Muslims and the latter would give up their claim for separate electorate. But the action of the Congress who are ruling in the Corporation for so many years has belied that pious wish, that is why the Hon'ble the Minister in charge of the Local Self-Government with the support of the Coalition Party has brought this measure before the House

Dr. NALINAKSHA SANYAL: Can he speak Bengali?

Maulvi ABDUL LATIF BISWAS: I am coming to that question. The adoption of the proposition of joint electorate with reservation of seats for Muslims is a proposition from which the only reasonable corollary which follows is that separate electorate is unavoidable. By the adoption of reservation of seats it was decided unquestionably that minority communities, in spite of their best efforts in running suitable and desirable candidates would not be able to send in their true and genuine representatives to the Corporation and that fact has been proved times without number by the action of the Congressmen in the Corporation. If that is the apprehension of the minority communities, that apprehension is reasonable, because, as I have already said, the acceptance of the formula of reservation of seats has proved that the minority communities have got their genuine grievances. Their feeling is that they would not be able to send in true and genuine representatives to the Corporation through reservation of seats, because in that case they will always look to the eyes of the majority communities. In expressing their views they will always consider whether these would be palatable to the greater portion of their electors through whose grace they have been able to enter the Corporation. It is not quite unnatural that in such a case the election would be entirely at the mercy of the Hindu community. In that case the Hindus will send, quite reasonably, those Muslims who are subservient to their wishes——

(Here the member reached the time-limit but was allowed one minute to conclude his speech.)

The answer regarding the question raised by my friend Mr. Abu Hossain Sarkar who has decried and condemned "Ispahanis," "Siddiqis" and other foreigners, is that he has forgotten quite conveniently that Islam does not recognise barriers between Muslims of this province or any other province or for that matter Muslims outside India. That principle was enunciated about 1,300 years ago by the Holy Prophet Hazarat Muhammad. That is why it has been made a rule that everyday Muslims will say their prayers in Jamat and at Juma, they will do so at least every seventh day and that they will at least once in their life go on a pilgrimage to Mecca to exchange feelings with other brother Muslims. My friend has forgotten the sermon of Veer Savarkar to raise antagonism between communities and communities between Muslims and Hindus and to drive the Muslims away. I may say that these efforts have been encouraged by the Leader of the Opposition and I have no doubt that there are many amongst the Hindus who approve the action of Veer Savarkar.

(Here the member reached the time-limit and resumed his seat.)

Mr. SYED NAUSHER ALI: Sir, I think I cannot cast a silent vote in a matter of such great importance and knowing as I do that my views run counter to the views of the majority of the Muslim public in Calcutta, I would deem it my duty to make my position quite clear in this matter. It is well-known to many, if not to all in this House, that I have never been a believer in separate or communal electorate in my life. I consider it to be a pernicious system that strikes at the very root of the growth of nationalism in India. It divides the people into water-tight compartments setting one community and class against another to the advantage of British Imperialism and vested interests ("Hear, hear" from the Opposition Benches). It is a deadly poison injected into the body politic of India only to lengthen and strengthen foreign domination and exploitation and the life of vested interests in this country. I am anxiously looking forward again to the day when my countrymen and the body politic of India will by virtue of its inherent power of resistance throw out the deadly poison, and nationalism will grow and drive out British Imperialism and vested interests. Evils and abuses there are in the administration of the Calcutta Municipality. It may be doubted and, in fact, it has been doubted whether the evils prevailing in the Calcutta Corporation are lesser or greater than the evils that are present in the present Government of Bengal.

Khan Bahadur MOHAMMED ALI: They were not present when you were there!

Mr. SYED NAUSHER ALI: It is said that there is nepotism, favoritism, jobbery and discriminatory treatment between individual and

individual and communities and communities in the Calcutta Corporation. If a proper measure had been introduced to remedy all these evils and ensure fair treatment between individuals and individuals, between a citizen and a citizen, whether he be an up-country man, an Ispahani or a European or anybody else, I think it would have received the wholehearted support of everybody in this House. I think it was almost a unanimous and crying demand of the entire population of Calcutta and practically the whole of Bengal that the administration of the Corporation of Calcutta should be overhauled. But it appears to me that the remedy prescribed is no remedy at all and I am afraid the remedy is worse than the malady. It will not improve, in the least, the administration of the Municipality; on the other hand, it will do nothing but increase acrimoniousness between different sections of the citizens of Calcutta.

Coming to the Bill itself, a glance at the Bill will convince anybody that it truly and perfectly represents the policy of the present Ministry. The present Ministry, I submit, is only a limb of British Imperialism; it is the first link in the chain of British Imperialism and its policy cannot but be the policy of "Divide and Rule" and we see in the contents of this Bill that policy embodied in its perfection. I congratulate the Hon'ble Ministers on having very successfully, faithfully and loyally imitated their masters in the British Imperialists. It appears that they have not only faithfully imitated them but they have even excelled them. In the first place, it will be evident that even in this purely domestic sphere of our people the balance of power has been given to a handful of Britishers having commercial interests in this country. They are nothing but foreign exploiters but the whip hand has been given to them even in our purely domestic affair. It will be seen that the Ministry have not been pleased by simply dividing the people into so many different sections namely, Muslims, Hindus, Anglo-Indians and so on, but they are, at the same time retaining the power of nomination even after distributing all seats according to caste and creed. The Hon'ble Nawab Bahadur has said that the Bill is framed on the principles of the Government of India Act, 1935, but it is palpable that in the constitution of the Assembly there is absolutely no provision whatsoever for nomination. Yet if it is the intention of the Ministry to give representation to all sections of the people according to their population, they could have added one or two more constituencies or electorates for providing for the small minorities that are not going to be separately represented by this Bill. But they have kept in their hands ten nominations and we all know on what basis nominations are made. The plea that nominations are made on the ground that experts are to be put in for the guidance of the House is a false plea as will be evident from the record of past nominations.

I may be permitted to reiterate my views on this point. I am of opinion (and my opinion gains strength as I gain in experience) that in local bodies everywhere there should be purely joint electorates without any reservation of seats whatsoever, based in the case of municipalities on adult franchise and in the case of other local bodies adult male franchise in the existing condition of the society. There ought not to be any reservation for any community and there is no room whatsoever for any nomination. It may be stated that this will perhaps in many places bring in Hindus to the exclusion of Muslims, but I should like to tell you that I am definitely of opinion that people who come through general electorates though they may belong to this community or that community, will represent the people as a whole. I repeat what I have said publicly on many different occasions; I would rather like to be crushed under a Hindu rule than be governed by a handful of Europeans as has been provided in this Bill.

I should like to state at this stage that I dissociate myself entirely from those of my honourable friends who make a distinction between one class of people and another Reference has been made to Mr Ispahani, Mr. Siddiqui and others They belong to the same category of exploiters as many of the Europeans here But at the same time I am definitely of opinion that every citizen of this town, be he a European, an Anglo-Indian, a Bokhari or Ispahani has got the same rights and privileges to the amenities of civic life as every other man living in this city Simply because a certain gentleman settled down in this city a little earlier than another is no ground for any discrimination

I should like to sound a note of warning to my Muslim brethren here In the first place, it is apparent that in no way they can have a majority in the Calcutta Corporation and if that be so, is it desirable that they should create bitter feelings or is it desirable that they should make friends with them? If my Muslim countrymen think that Europeans will support them always, I sound a note of warning that they will be hopelessly deluded The Europeans are here only to exploit They are friends neither of the Hindus nor of the Mussalmans but they are friends to themselves They have always played and will always play the part of the proverbial monkey distributing the cake between two quarrelling cats. The present miserable plight of the Mussalmans is due to British Imperialism The British Empire was built on the ruins of the Muslim Empire and they, Britishers, have never been friendly and will never be friendly to the Muslims. This will be evident even from the speech of the Hon'ble the Chief Minister at the Special Session of the Muslim League held here as also from a glance at the Muslim countries beyond the limits of India Therefore, if my Muslim countrymen think that the Europeans will side with them, I make a prophecy that they will find themselves hopelessly deluded in

this matter. Now, Sir, the next thing I want to tell my Muslim brethren in this House, what effect or repercussions it will have on the other self-governing institutions in this country. If 75 per cent. of the population of the city is to be reduced to a state of minority by artificial means, and if this principle is to be applied elsewhere, I am afraid the Mussalmans of Eastern Bengal will in no time be reduced to a hopeless position in the District Boards. Whatever you may think of this measure I am afraid that it will end in a tragedy for the whole province. It appears to me as a certainty that if you accept the principle enunciated in the Bill it cuts at the very root of the principle of democracy and rule by majority and the Muslims may find themselves in a minority when they are in a majority. (Khan Bahadur MOHAMMED ALI: How?) I can tell you how. There are many ways how this can be done. Take this example. The balance of power may be given in the hands of the nominated members. I am afraid and my friends over there will agree with me that all the nominated seats may be held by people who will be hostile to you and this in spite of the best endeavours of your Ministers sitting here.

On a matter of principle, Sir, I am opposed to this Bill as a whole and therefore I suggest that the Bill be circulated for the purpose of eliciting public opinion thereon and not referred to a Select Committee.

Mr. K. NOORUDDIN: Mr. Deputy Speaker, Sir, for one who had all along been intimately connected with and done his little bit for the nationalist movement in the past and who had been a firm believer in the system of joint electorates, it is a matter of painful duty to stand up and support the amendment moved for introducing separate electorate in the Calcutta Corporation. This change of view on my part, is the result of actual and practical experience of work with the so-called Nationalist Party of the Indian National Congress in this Province. My close association with the inner working of the Congress party extending over a period of several years has convinced me that nationalism as conceived, practised and interpreted by our friends was a misnomer and a clever ruse to retain political power in their own hands in order to hamper the progress of the Muslim community in Bengal. Joint electorate which is preached by these worthies as the first article of faith of nationalism is in the present state of affairs positively dangerous and harmful to the best interests of the Muslim community. I shall quote a few instances which will convince the House of my assertion. To go to polls under joint electorate with a powerful, well-organised, politically advanced and economically strong community, the weaker will always be overwhelmed and influenced by the majority. It was to remedy this that under the modern constitution the system of separate electorate was designed and it is now recognised by all fair-minded people as the only safeguard for the backward minority communities.

When Muslim Calcutta was fighting the battle for its rights and the community had declared a boycott of the last general election of the Corporation of Calcutta, it would be of interest to you to know, Sir, how joint electorate was utilised for crushing the rights of the weaker community by the majority community. (Dr. NALINAKSHA SANYAL: How were you elected as an Alderman?) In a boycott in which 98 per cent. of the Muslim ratepayers declared their verdict by refusing to use their franchise a handful of self-seekers and traitors the majority of whom could not even get a proposer or a seconder to their nomination papers from their own community for whose reserved seats they were contesting were declared elected. (Dr. NALINAKSHA SANYAL: That was organized goondaism.)

SIR, it is amusing to think how during the period of last election the Muslim ratepayers of one particular constituency tried their best to meet the candidate but despite their vigorous efforts were unable to find out who the candidate was and where he lived. It was eventually discovered that for nearly a month this gentleman was lodged in the house of some Hindu friends and to-day he is representing the Mussalmans of Calcutta as a Councillor of the Calcutta Corporation. (Dr. NALINAKSHA SANYAL: Were you out for his blood?) There are several instances of such people being declared elected as representatives of the Muslim community under a system of joint electorate.

The second instance of how the majority community utilised the advantages of joint electorate to oust the weaker in numbers was witnessed in the first election of the Directors of the eastern area of the Reserve Bank where Mr. M. A. H. Ispahani, a member of this House, was a Muslim candidate fighting the election with several Hindu candidates controlling the majority of the votes. It was a sad sight to see how the manipulation of majority votes succeeded in electing a Hindu candidate who had the least number of direct votes and how Mr. Ispahani having scored the third highest number of votes in the first counting was defeated and was last in the final counting. (Dr. NALINAKSHA SANYAL: Because he could not be relied upon.) The last and the most interesting instance of the working of joint electorate was witnessed by me in a meeting of the eleven leading Indian Clubs representing a Sports Association of Calcutta who met last year to elect an Indian President for their association. This meeting was held to fight the European Clubs on the ground that the European Clubs were forcing the name of a President who was not known in sporting circles and was therefore unacceptable to Indian Clubs. It was unanimously decided to support an Indian President. Three names were proposed, two of Hindus and one of a Muslim. It was contended by the Muslim representatives that during the 44 years of existence this Association had never elected a Muslim President and chance should be given to a Muslim this year. Appeal in the name of Sport and Nationalism to

give chance to the Muslim candidate who was in no way inferior to the other candidates went unnoticed and to my utter surprise I discovered that the ten Hindu votes went solidly to Hindu candidates and only one Muslim vote was registered in favour of the Muslim candidate. (A voice: Who was this gentleman?)

K. NOORUDDIN: Khan Bahadur Azizul Haque, Speaker of this Assembly.

These instances prove that in civic, political, economic or sporting fields the majority will always be benefited at the cost of the weaker, specially when the majority is not sincere, honest and true to its political declarations and the only safeguard for the weak minority is to send its representatives through its own separate electorate. In choosing the instances I have purposely confined myself to my own city. Instances could be multiplied if I were to treat the matter as an all-India issue.

Sir, how unfortunate and tragic it is to see in these days when every country in the world is trying to unite for the common good of its motherland that in our country people are disunited and are fighting each other. But what can be done when the majority is out to crush the minority and is after its very existence.

It is claimed that the Hindus are nationalists and that the Muslims are communalists who think of their ownselves and are ruining the cause of their country. This is a clear perversion of truth and the real truth is quite otherwise and I take this opportunity of sounding a note of warning to my Hindu countrymen to stop this game now at least in Bengal.

Sir, I throw a challenge to the Nationalist Party of this Assembly to appoint an independent tribunal to examine average Hindu and Muslim households in Calcutta see things as they go for themselves and then decide who are the nationalists and who are the real communalists. I shall invite this tribunal first to visit the homes of a few selected nationalist friends and then the homes of a few selected so-called communalists, all members of this House and then request the tribunal to let the public know what is the average of Muslim employees and patronage in nationalist homes and what is the average of Hindu employees and patronage in Muslim homes.

Lastly, I will ask this tribunal to examine the working of the premier self-governing institution of India the Corporation of Calcutta which has been under the control of the Nationalist Party of India for years and years together. The plight of the Mussalmans in this National Institution is hopeless.

(At this time the member reached his time-limit but was allowed to conclude his speech.)

SIR, I am giving you the figures collected from the Annual list of officers and Establishment of the Calcutta Corporation of 1931 and I speak on authority, SIR, when I say that there has not been much change since then. These facts speak for themselves and need no elaborate argument to establish the truth contained in them.

Grades on the basis of present pay.	Total posts	Mussalman	Per centage of Mussalmans.
Rs.			
1,000 -3,000	12	1	8
500 -1,000	33	1	3
300 -500	82	2	2·4
150 -300	289	11	3·8
75 -150	937	72	7·7
40 -75	849	136	16
14 -40	741	164	22
	2,933	387	13

In grades of 300 to 3,000 the Muslim percentage is 3

It is a fashion, SIR, to talk of Nationalism and love of country as if it was a monopoly of the so-called Nationalists only. Real nationalism is more a matter of everyday observance of it in your daily life and not a mere matter of belief in a set of formula. As a theory it is all right to talk of it but it takes you nowhere when you fail to observe it in practice.

SIR, it is to fight this atmosphere of monopoly among the Nationalists and with a view to preserve the very existence of the weak minority community that we want separate electorates and I give this assurance to-day that Muslim Bengal is anxiously waiting for a change of mentality in the Hindu community and the day this change takes place and I only pray that it comes early and the Mussalmans find their rights are not trampled upon, I assure you, SIR, that day separate electorate will be a thing of the past in our province.

Mr. JATINDRA NATH BASU: Mr. Deputy Speaker, Sir it is difficult to speak in an atmosphere where unfortunately communal passions and prejudices have to a certain extent been given some predominance. What I desire to point out is that we are legislating in the second quarter of the 20th century. In the history of legislation in every civilised country the tendency has always been to look

forward and to obliterate the differences between creeds and castes. Our civic and political institutions in this country are based on the models we find in the constitution of England. What do we find there? In the 19th century we find differences as to political privileges between people professing the Protestant faith and people professing the Catholic faith. These differences were removed. Jews were later on permitted to hold office and were granted the franchise for the purpose of election to the Legislature. Now-a-days do we find a going back from the progress that had been achieved. We should always remember that in this House we are to lay the foundations for the future. If we take up controversies which unfortunately occasionally exist and give an undue importance to them, we push the country backward and it will take years and years before we are a progressive people. We should proceed in such a manner that those who come after us may know that their predecessors showed wisdom in framing the constitution of public bodies, that they worked for a peaceful future and for the steady progress of their country. It is admitted, Sir, that the system of separate electorate is not a desirable system. Everyone who has spoken on one side or the other has admitted it, although some of them have said that it has worked harshly on certain communities. Well, Sir, in matters municipal what questions have we to deal with? It is either a question of pure and plentiful water supply, or of having good roads, or of having an efficient system of conservancy, of good lighting, and so forth. Is there any difference amongst the communities about their requirements in these respects? What we ought to look to is that the men returned to municipal corporations are such that they look after the real interests of the people. If the Corporation has not functioned in the way that we the citizens of this city desire it to function, then the change should be in some other parts of the Calcutta Municipal Act. It is not in this way that we can effect an improvement. The question of interference, too much interference with the executive, the question of proper auditing, the question of meeting public demands in promptly sanctioning buildings, and so on are matters about which there should have been a public investigation, and after proper enquiry the amendments that are necessary should have been placed before this House. But we find here that the real grievances of the public are not looked into, while a system is being introduced which, it cannot be denied, is a retrograde system and is likely to lead to communal troubles. I personally do not care if all the Councillors are Muslim, Hindu or Scheduled Caste, or whatever they may be, if they are good men who will look after the interests of the citizens. I do not object to any provision for increasing the number of Muslim Councillors, but what I object to is that here you are creating causes for quarrels. I may add that I knew the Corporation in the days when there was no cleavage on the basis of religion. I know how people like Nawab Badruddin Haidar looked after the

interests of all classes of rate-payers. That is the kind of feeling that we ought to develop, and that is not likely to be developed by a measure like this.

With these words, Sir, I support the motion for the circulation of this Bill.

Dr. H. C. MUKHERJI: Mr. Deputy Speaker, Sir, I rise to support the motion for circulation. Belonging as I do to neither of the two contending communities, I hold that I might be able to make a suggestion which might be acceptable to both. I hold no particular brief for either the Hindus or the Muhammadans. (At this stage there was some interruption from the Coalition benches.) Apparently, some of my friends who are interrupting me want me to sit down. Shall I sit down, Sir, or may I go on?

Mr. DEPUTY SPEAKER: Please go on with your speech.

Dr. H. C. MUKHERJI: Sir, I hold no particular brief for the Hindus because I am not a Hindu and some of my best friends are Muhammadans. Holding this view, I feel that the proposal put forward by the Hon'ble Minister in charge of Local Self-Government ignores the claims of the land-owning and propertied classes in the City of Calcutta. If I am not mistaken, Sir, these gentlemen hold 75 per cent. of the properties in Calcutta. I have no grievance against the Europeans who have a large stake in the City of Calcutta, and I maintain that if their right to disproportionate representation is recognized, then there is no reason why the same sort of right should not be accorded to those people who hold the majority of the properties in Calcutta.

Personally, Sir, I have no objection to my Muslim brethren getting 25, 28, or even 30 seats, but I do feel that the seats ought to be distributed in such a manner that all future causes of disruption or enmity may be avoided.

I do not agree, Sir, with those who have preceded me when they said that in actual working the system of joint electorate has been a failure. I am one of those dreamers, Sir, who look forward to seeing a great and united India, and I look with horror upon every measure which is calculated to create further cleavages which are already dividing us. That is my principal objection to this Bill.

So far as the recognition given to the claims of the Anglo-Indian community is concerned, I fully agree that they ought to be well represented, but I object to the way in which this representation has been given. I believe that there is no possibility of their interests being overlooked if their representatives are elected through joint electorates.

So far as my own small community is concerned, I feel that our claims have been neglected. Here, Sir, I do not voice my own personal views, because I hold that all minority communities should merge themselves into the majority community. When I refer to the claims of my own community, I simply voice the view of those of my brothers and sisters, who have not yet reached that level which I hope they will reach in the near future. They hold that their claims have been overlooked deliberately on account of the attitude taken up by their representatives in this House. I shall be prepared to know from the Hon'ble Minister in charge whether it is true or not. Sir, their representatives have not even been given an opportunity of serving on the Select Committee.

For all these reasons, Sir, I support the motion for circulation and I say that I want to lay the claims of my community not before this Cabinet which has been systematically hostile to it. I want to lay our grievances before the whole province of Bengal. (Applause from Congress members.)

Maulvi ABUL HASHIM: Mr. Deputy Speaker, Sir, our esteemed friend Mr. Santosh Kumar Basu, ex-Mayor of Calcutta, in course of his speech, referred to a portion of a speech delivered by Dr. Abdullah Suhrawardy of revered memory and remarked that he was one of the solitary Muhammadans who had the courage and boldness to declare his faith in favour of joint electorate. Sir, I appreciate the courage and boldness which the late Dr. Suhrawardy displayed on that occasion, but I feel that in these days of much advertised Congress and Hindu nationalism it requires the same amount of courage and boldness to declare one's own opinion in favour of separate electorate.

Sir, in this respect, I would like to point out that there is no doubt that Muslim opinion is unanimous on this matter. It is for our friends opposite who believe in the so-called nationalism they preach to satisfy us and to give us reasons why the entire Muslim community of Bengal and India do not look upon them as friends. Sir, there is no doubt that, in the present system of electorate in the Calcutta Corporation and the local bodies in the mofussil, genuine representatives of the Muslim community cannot find any place for them. I can give you, Sir, one example from my own constituency with reference to the last municipal election of Burdwan. In one of the wards of the Burdwan Municipality, there are 1,600 Muhammadan voters; as against this there are 2,500 Hindu voters. In spite of the earnest and repeated protests of the entire body of Muslim voters of that ward, the so-called nationalist party—the Congress party—set up a man whom it was the desire of the entire Muslim community to reject. Sir, the Muslim community begged of the Congress to set up a genuine Congressman who put in long and continuous service to the Congress but, Sir, in order to discredit Muslim public opinion, they deliberately set up a

man whom the Muslims did not want. There was voting on the basis of joint electorate, and what was the result? Out of 1,600 Muhammadan votes you will be surprised to learn, Sir, that only 20 voted for this Muhammadan set up by the Congress, but, in spite of this almost unanimous protest, this gentleman was returned to the Municipal Corporation by the overwhelming votes of our friends, the Hindu community. (DR NALINAKSHA SANYAL: Was he your uncle?) No, his name is Maulvi Muhammad Yasin. He was a man who was not even in the good books of the Congress. I know that during the last general election this gentleman Maulvi Muhammad Yasin opposed the congress candidates and supported Maharajakumar of Burdwan and the son of Raja Moni Lall Singh Bahadur of Chakdighi. When Pandit Jawaharlal Nehru of the Indian National Congress came to Burdwan, I had the honour of receiving him at the station. At the Burdwan station and at the Congress office, Pandit Nehru repeatedly asked that disciplinary action should be taken against Maulvi Muhammad Yasin.

In spite of this in order to disgrace the Muslims who did not want him he was thrust on the Municipal Board as their own representative. Mr. Basu has said that this Bill is the result of an outburst of Muslim communalism. In this respect I would like to submit that it is not the direct result of Muslim communalism but it is the result of systematic and continuous tyranny of Hindus over the Muslims. If this can be said to be the result of communalism it is not the result of Muslim communalism but it is the result of Hindu communalism.

Sir, I quite appreciate the sentiments expressed by my friend Mr. Santosh Kumar Basu, the ex-Mayor of Calcutta. He said that since the Muhammadans are here in larger number than they were years ago in the old Bengal Legislative Council they have now brought in this Bill. It may be so. When in spite of having a majority in the province the Muslims were denied majority of seats in this Assembly and the Hindus and our Congress friends enjoyed an overwhelming majority in spite of their being in a minority they had been doing systematic injustice to the Muslims. The day of resurrection and the day of judgment has come. Yes, we are here in larger number and we have brought this Bill, not to do any injustice or harm to the other communities, but to safeguard our own interests. I would like to make a few remarks before I sit down with regard to the speech of my honourable friend Mr. Abu Hossain Sarkar. The burden of his speech was that so many "Ispahanis", "Gaznavis," and foreigners are in Calcutta; he referred also to "Suhrawardys." He also agreed with his now revered friends—the gentlemen of the Congress group—that this is a purely communal matter. In reply to his sense of communalism which agrees with his Congress friends, I would like to say here that Muslims can never be communal. This reminds me of a judgment of Mr. Justice Ameer Ali where he said that the word "communalism"

derives its origin from "commune" which means territory and we Muslims are never bound by territories or geopraphical limits. So far as the organisations we have here, for instance, the All-India Muslim League or other organisations of Indian Muslims, they are not communal organisations; they are Indian branches of an International Brotherhood. Let it be made clear that we Muslims do not believe in nationalism. According to our ideas, shouting for nationalism and condemning Imperialism are inconsistent, because we believe that Imperialism is the direct result of too much nationalism. According to our notion, nationalism is nothing but individualism in the comity of nations. It is only for satisfying the national greed that Imperialism comes in. We do not recognise nationalism, as our friends do. We do not believe in territories, we do not believe in geographical limits. We believe in International Brotherhood. We have got a philosophy, we have got a culture and we have got a creed and in order to safeguard these, we are forced to take recourse to separate electorate. The same thing has been done by Congress. The Indian National Congress hopes one day to declare itself to be the constituent assembly for India, but now we find that Congress is not a platform from which all sorts of opinion or all ideas can be expressed. It has banned the Muslim League. So Congress has now become practically a party platform instead of being a platform from which all parties can express their own ideas.

(Here the speaker reached the time-limit and was allowed one minute to finish his speech.)

But we Muslims welcome everyone who agrees with our philosophy, culture and civilization. We have been hearing much of communalism, but I would like to take this opportunity of making one thing very clear, particularly in reply to my friend Mr. Abu Hossain Sarker's condemnation of "Ispahanis," "Suhrawardis", and others. Let there be no mistake about it—to us Muslims, any Muslim belonging to any part of the world—say, England, France, Germany, Italy or America—is dearer and nearer to us than our next-door neighbours who are hostile to our ideals of universal brotherhood and oneness of humanity.

(Here the speaker having reached his time-limit, resumed his seat.)

Mr. C. GRIFFITHS: Mr. Speaker, Sir, I rise to oppose the Calcutta Municipal (Amendment) Bill, 1939, regarding separate electorates on the grounds that the Anglo-Indians have not been fairly represented in the Corporation, especially since the Europeans have not claimed territorial seats. It, therefore, clearly follows that our claims become greater because the European weightage automatically comes to us, just as the weightage of the Marwaris, Bhatias and Urdu-speaking Muslims have been included to support the claims of the local Hindus

and Muslims. I ask, Sir, if the claims of the Anglo-Indian and Domiciled Europeans are not recognised in the modern city of Calcutta which is our stronghold and a creation of our forefathers, then where is the boasted declaration of self-government and the need of calling us natives of India? Must we all go to McCluskieganj? (Laughter.)

It is said by some that because we were given 4 seats in this House of 250 M.L.A.s, therefore in a House of 99 Councillors, 2 should suffice. This is absurd and incorrect—other factors must be considered. By the Government of India Act, 1935, the Europeans and Anglo-Indians were given a certain weightage in this country. With this weightage in Bengal against 50 millions of people in a House of 250 M.L.A.s (5 per million) we got 4 seats equivalent to 800,000 strong and the Europeans got 11 (2,200,000; our ratio being 4 to 11. From this it will be seen that mere numbers did not count, for the Anglo-Indians outnumber the Europeans who have not their domicile here. All Europeans who have their domicile here are Anglo-Indians according to the Act.

We are an urban people. Our numbers are slightly reduced in Calcutta by about 38 per cent., so by weightage given both by India and Britain we would number 500,000 strong. The Indians fall enormously in numbers from 50 millions to 1·2 millions, i.e., by more than 97 per cent.

Caste Hindus approximately are 701 117; Scheduled castes 121 176, Muslims 311 156 and Anglo-Indians by weightage 500 000 (Christians being 47 484 and with the Jews would approximately be 50,000).

Now, if the Hindus claim 50 per cent. of the seats the Muslims and Anglo-Indians should claim the other 50 per cent. (cheers). If the Muslims claim 25 per cent. then with the Hindus we should claim 75 per cent. (louder cheers). It may be asked if we are worthy of this weightage. I shall convince you that we are. There are our educational qualifications, nearly cent. per cent. literate. Our services in the Defence Forces for the internal security of the country must be recognised and we have a higher standard of living than the average Indian, and in spite of forced unemployment we maintain this standard by most of our women-folk taking up service. Nevertheless as a community we contribute about 4 to 5 times as many voters on a percentage basis than any other Indian community (those who pay municipal taxes), and therefore are worthy of our weightage from the municipal point of view. The following figures will support what I state:—

Hindus and Muslims only 6 per cent. pay taxes,

i.e.,	1 in 16 voters
Hindus 7 per cent.	1 in 14 voters
Muslims 4 per cent.	1 in 25 voters
Anglo-Indian (being mainly Christians and Jews) 25 per cent.	1 in 4 voters

Further, Sir, we are an absolutely local people. We spend all our earnings in Calcutta and contribute towards almost every line of business from which municipal taxes are derived. Even the local Hindus and Muslims have their country houses where part of their earnings are sent.

In a house of 99 seats after deducting 14 special seats and 10 reserved for nominations we have 75. This shared among Hindus 50 per cent. = 38, Muslims 25 per cent. 19, Anglo-Indians 25 per cent. = 18. But what do we find instead? The Anglo-Indians have been stripped of all their weightage; one would imagine that there was a conspiracy between the two major communities to destroy the Anglo-Indians so that we may not be considered a factor to be reckoned with in the future, with the result that the Hindus get 39 seats, an extra one being given as a sop; the Muslims appropriate 3 extra and take in all 22; the Scheduled Castes are provided with 7, all at our expense not that we object to them getting their dues, 5 seats are kept aside for Aldermen and the Anglo-Indians get only 2. This is scandalous and ruthless suppression. Is there no justice in politics? Is politics ruthless power? Does loyalty count for nothing? Well, it is to be hoped that others will not squeal when dealt with in a similar manner.

In opposing the Bill brought forward by the Huq Ministry, Sir, we are not disloyal to the paramount power. The right to include an Anglo-Indian in the Cabinet, has been ignored. Our claims in the Services have not been considered. Sixty per cent have been earmarked for the Muslims and they have offered 20 per cent to the Scheduled Castes, and left us to fight for our quota with the caste Hindu who is only given one-fifth, and now we do not count at all in the Corporation. Our state is worse than before and this in spite of the Government of India Act, 1935, which gives us a definite weightage. Have we not the right to live and build an Indian Empire as the sons of Britain have done in America, Australia and South Africa? It is a strange irony of fate that with the British Empire functioning Anglo-Indians are slowly being worked into a depressed class while with the Moghul Empire long extinct the Muslims are waxing stronger and hold the reins of Government. (Cheers.) Why must numbers now be considered? How does a Muslim rule over a large Hindu State and a Hindu rule over a large Muslim one?

However, I trust that I have fully established the claims of the Anglo-Indian and Domiciled European community to 25 per cent of the territorial seats, i.e., 18 in number. What we can do is to surrender 11 seats in favour of the Europeans whose domicile is not here, and who rightly made no claims for territorial seats this should fortify and consolidate their claims to commerce and trade to which the Government of India Act also gives weightage and to labour mostly imported from other provinces. There are in all about 78,020 voters. Anglo-Indians and Europeans claim nearly 10 per cent., that is 7,366

voters and as 10 per cent. of the territorial seats will give us 7 without weightage, we are justified in claiming this number. All will agree with me that with our weightage after the 1935 Act we should definitely be stronger in the Corporation, because we had 4 seats before, 3 seats set aside for us in Wards 15, 16 and 17 and a nominated one. Surely to-day we should at least get 7. It will be a betrayal of the rights of the Anglo-Indians for the House to support such a Bill and all the talk about protecting minorities becomes purely hypocritical. The extra 5 seats can be given from the 10 nominated ones (cheers) without disturbing the arrangements of the Bill in the main, and therefore this request should be granted.

To the Europeans we can only say that our history has been one pathetic tale of suppression on one side and loyalty on the other. With provincial autonomy it is necessary to support us, and in this connection I might quote the words of no less a person than Sir John Anderson our recent Governor who said: "Considerable harshness and injustice have been meted out to the community in the past and in spite of that treatment, Anglo-Indians have been steadfast in their loyalty and service towards building up the British Empire in India". We, therefore, ask the Europeans to honour the weightage given us by the British people and Parliament. By failing us they morally destroy the weightage given them in this House by the same Act, and their claim to any seats in the Corporation fails.

To the Hindus we can remind them that the British people placed us in the General Constituency, as the Rolls of the Upper House and the Council of State will show; that our forefathers fostered and built them up, and it is up to them now to stand by us. They must understand that Anglo-Indians for a sprinkling of renegades and mercenaries cannot share in anti-British propaganda. So long as India remains in the British Empire as a loyal Dominion under the Crown, so long will Anglo-Indians serve both countries with the same loyalty that characterised the glorious traditions of their fathers. Have we not the right to work with the vens of millions of Indians who are in favour of Dominion Status and who realise that India's strength lies within the Empire?

To the Muslims we must say, treat us as you have treated the scheduled castes—give us a fair deal and you will not find us wanting in playing the game. We fully understand that the harsh treatment meted out to the scheduled castes in the past by the caste Hindus has driven some of them to join the Muslims, but the Muslims should see that they are not provided for at our expense. If Muslims can claim 22 seats with less than 13,000 voters, surely Anglo-Indians and Domiciled Europeans with about 5,000 voters—mark you not with 7,366 for we discount nearly one-third, for those who have their domicile abroad, although we should not do so since the weightage of the Urdu-speaking Muslims have been taken into account to support Muslim

claims—should on this score alone get at least 7 seats if not 9. Otherwise, it appears to me to be far better for us to remain in the General Constituency and have joint electorates with reservations. (Applause and cheers from the Opposition.)

Mr. BIRAT CHANDRA MANDAL: I stand to congratulate the Hon'ble Nawab Bahadur of Dacca. We have seen the working of the Local Self-Government before we got political reforms in 1921. This province has got the municipal administration 53 years back. In the beginning the municipal administration was in the hands of the European I.C.S. officers. They did not care a fig for the representation of the scheduled castes. Then we had Sir Surendra Nath Banerji. He was in charge of this department; he was the founder of the Indian National Congress and author of the Calcutta Municipal Act. Even during his administration the scheduled castes did not get anything. After the administration run by the Congressite Brahmin, there came the moderate Kshatriya, the Hon'ble Sir Bijoy Prasad Singh Roy who had charge of this department for seven years. This Kshatriya did not do justice to the scheduled castes. Now this department has come to the Nawab Bahadur of Dacca.

Dr. NALINAKSHA SANYAL: Are you presenting an address to the Nawab Bahadur?

Mr. BIRAT CHANDRA MANDAL: The Nawab Bahadur is really trying to give something to the scheduled castes people and for this act of generosity or justice, I may call it the sense of justice of Islam, we are grateful to him. We had not had any justice from the Europeans, or the Congress or from anybody else, but we are going to get it from the Muhammadans who are regarded as the greatest enemies of the Hindus. I should like to point out that scheduled castes people have all along been neglected. Caste Hindus demand freedom. They demand rights which they mean for themselves. "Gospel is their maw".

What they mean they mean for the 25 lakhs of Brahmins, Baidyas and Kayasthas, and not for the 5 crores of the people of Bengal. Whatever comes out of their mouth becomes nationalism and whatever I will try to say becomes a venomous poison and communalism, but I will say that learned doctors sometimes prescribe poison to eradicate poisonous substances from a human constitution. In the political constitution of our country this poison of communal electorate has got to be injected only to cure my caste Hindu friends of their excessive communalism because unless separate electorate is given to the Muhammadans, the Europeans, Anglo-Indians and Scheduled Castes, those of my friends who pose themselves as nationalists cannot be rectified and these people

will not have sufficient strength to give a good blow to others. Just as arsenic is a great poison and is prescribed by doctors sometimes when the patient's condition is serious so also when the condition of Bengal politics is serious this communalism must be injected so that Bengal caste Hindus may learn a lesson. I say in conclusion, Sir, that the population of Calcutta is 1,196,734 and out of that 123,061 belong to scheduled castes, i.e., 11 per cent. of the total population of Calcutta. Such a huge population has so long been neglected by the so-called nationalists of Calcutta. I bring to your notice, Sir, that unless 12 seats are given to the scheduled castes it will be doing a great injustice to the claims of this community. It has always been the practice to please (Dr. NALINAKSHA SANYAL: His masters) those who clamour for more and the friends of Dr. Sanyal and his relations have all along been in the enjoyment of these rights but my scheduled castes friends could not enjoy any, only because of their unfathomed love for the scheduled castes. Had there been the least amount of love on the part of my caste Hindu friends I am quite sure that the scheduled castes people would have enjoyed some rights at least during this long period of 53 years.

Mr. JOGENDRA NATH MANDAL: Mr. Deputy Speaker, Sir, before I begin my speech I should like to say a few words in reply to the speech delivered by my friend Mr. Bijay Chandra Mandal. He has prescribed poison for eradicating poisonous elements from a human constitution. But for the prescription of a poisonous drug an efficient doctor is required and this cannot be done by a quack. I hope, in these few words I have given the reply to my friend's speech.

Sir, in rising to support the amendment for circulation of the Calcutta Municipal Bill I would like to remind the House at the outset that this is the first time that communal representation on the basis of separate electorate is going to be introduced in the formation of local bodies under the present Autonomous Government. The system of separate electorate is not only against the fundamental principle of democracy but it stands also in the way of creation and development of a healthy atmosphere that is most congenial to the growth of national advancement. Sir, while I support the amendment I am not forgetful of the interests of minority communities. I want proper and adequate representation for them in the Calcutta Corporation. But I want it in the form of joint electorate with reservation of seats for the minority communities. Instead of bringing in the Bill on the basis of separate electorate had the Bill been introduced in a different form and spirit with a broader outlook I would not have objected to its passing. But the Bill in its present form deserves condemnation from all quarters. If the Bill is brought in that line we the scheduled caste members shall have no hesitation in supporting it. Reservation for minorities has not been abolished in democratic countries too.

Sir, as the proposed Bill is of vital importance not only to the citizens of Calcutta but also to the people of Bengal, and as fundamental changes have been proposed to be incorporated it should be circulated for eliciting public opinion thereon before it is finally passed. We the scheduled caste members protest and protest emphatically against the introduction of separate electorate in the Calcutta Corporation. What we want is a joint electorate with reservation of seats for the scheduled castes according to their population. It might be that the Calcutta Corporation have done some wrong to the scheduled castes as well as to the Muhammadans but should one wrong be remedied by the commission of another wrong? Can we expect to see justice coming out of vengeance?

Sir, I would request my friends of the Coalition party not to be guided by communal sentiments alone and a spirit of antagonism. A day will come—and it is not far when the scheduled castes and Muhammadans will combine to fight tooth and nail for democratic Government, where no communal consideration will vitiate the political atmosphere. I again submit that the system of separate electorate is against the principles of democracy. Sir, before I conclude I do declare and declare without any fear of contradiction that democracy is essentially necessary for the prosperity and advancement of Muhammadans and scheduled castes that mostly constitute the peasantry and the proletariat of Bengal.

Mr. M. A. H. ISPAHANI: Mr. Deputy Speaker, Sir, I congratulate the Hon'ble Nawab Bahadur of Dacca for having the signal distinction of moving the amendment to the Calcutta Municipal Act. I congratulate him, Sir, for taking this necessary step. This Bill brings happiness to 98 per cent. of the Muslim ratepayers of Calcutta who refused to go to the polls in 1936 because they felt sincerely and rightly that it was not in the interests of Muslims of this city to be represented in the Calcutta Corporation so long as the Calcutta Municipal Act did not undergo change and amendment. Sir, I, like the late Sir Abdulla Suhrawardy, was a believer in the system of joint electorates. I was a bitter opponent of separate electorates as I considered separate electorate to be grossly anti-national.

Experience of later years, however, Sir, demonstrated in a most convincing manner that my belief was an incorrect one. Similarly, Sir, Sir Abdullah Suhrawardy had to change and modify his opinion. I commend to Mr. Santosh Basu Sir Abdullah's note of dissent as a member of the Simon Commission in which he supported with all the emphasis at his command, separate electorates. Sir, I entered the Calcutta Corporation as a nationalist Muslim, as opposed to the so-called communalist Muslim. I worked as a Nationalist with all sincerity and good faith only to realise that the word 'nationalism' was the most ill-used word, or may I be permitted to say, the most

abused word, of the English language in this country, for by it those in power, I mean the majority community in Calcutta, meant that everything good was their birth-right. Those who were in the unfortunate position of being in the minority had absolutely no rights whatsoever!

Dr. NALINAKSHA SANYAL: Who is the minority?

Mr. M. A. H. ISPAHANI: The Muslims in Calcutta.

Dr. NALINAKSHA SANYAL: What is sauce for the gander is not sauce for the goose!

Mr. M. A. H. ISPAHANI: The Corporation services, contracts and other amenities, and patronage were exclusively and entirely reserved for themselves. Whenever strong representation was made and arguments advanced in support of the claims of Muslims, we were told that such demands were anti-national and would not therefore be countenanced. Matters reached a point which made it absolutely impossible for any self-respecting and honourable and decent Muslim to continue to represent his community in the Calcutta Corporation. The result was an *en bloc* resignation of all the Muslim Councillors and Alderman except one, including the then Mayor, our present Chief Minister. The history of the Corporation boycott is too fresh in the memory of the honourable members of this House to need any repetition. The Muslim ratepayers of Calcutta boycotted the election which even the most prominent figures of the Congress at some time or other confessed to have been one of the most successful boycotts on record. The Muslims decided not to send any representatives to the Corporation until such time that their legitimate grievances were redressed. The system of joint electorate, however, made it possible for a batch of unknown persons to take advantage of the situation created by the boycott and to enter the Corporation entirely against the will of the Muslim ratepayers, and with the support of the few Hindu voters, and the then Minister for Local Self-Government, who, in doing his duty, did not hesitate to totally override the verdict given by the Muslims at the polls. I submit that such a state of affairs would never have come to pass, had these Muslims been solely dependent on their own electorate. Government are, therefore, wise in meeting the first demand of the Muslims, and I sincerely trust that it will not be long before they take steps to redress their other grievances and meet their other demands as well. I unhesitatingly declare that I am opposed to joint electorate, opposed because I do not, and cannot, have any confidence in the *bona fides* of the majority community, falsified as it is by their conduct. Whenever and wherever they have had an opportunity of demonstrating the true spirit of

nationalism they have failed to do so dismally. I cannot look to them to give my community its due. I cannot expect those of my community who come under their protective wings to look at matters from an entirely Muslim point of view as, at best, they are mere opportunists out to further their personal interests at the cost of the larger interests. We must have our real representatives, representatives responsible to us alone and then and then only can we entertain even the faintest hope of combating the onrush of those people who are out to crush us all along the line. The case for a separate electorate for the Muslim ratepayers of Calcutta is a cast-iron one and no amount of talking, shouting, holding of demonstrations, threats or the use of any such weapon will convince me that it is not. Sir, before I resume my seat I must refer to a remark made by Mr. Abu Hosain Sarkar about the appointment of Mr. Ispahani as District Judge. I assure him and I assure the members of this House that I had no hand in this appointment——

(At this stage the member reached his time-limit, but was allowed to conclude his speech in a minute.)

He should direct his remarks to the learned Judges who were responsible for recommending his name and should ask of them for an answer. My friend Mr. J. N. Basu has stated that in the matter of municipal administration no question of communalism should arise. My reply is brief. I invite him to visit the Muslim *bustee* and the Hindu quarters. He will have a convincing answer.

One more word, Sir, and I finish. I ask Mr. Nausher Ali to deny that when he was the Minister for Local Self-Government he was the greatest advocate of nominating members, of course, of his own party, to the various municipalities and district boards of Bengal. How can he reconcile his action as Minister with the principle that he has so vigorously enunciated on the floor of this House this evening in regard to nomination by Government?

Mr. A. M. A. ZAMAN:

বাংলাদেশে যখন জন্ম হয়েছে তখনি বুঝেছি যে এখানে আমাদের বাঙ্গালীদের কোন কথা খাটবে না। এদেশে আর্যেরা যখন প্রথম এলেন তখন তাদের কথা চলতে লাগলো, তারপর এলেন মুসলমানগণ সেই আর্যদের পরাজিত কোরে; তারপর ইংরেজরা মুসলমানদের হাত থেকে, এদেশ দখল করবার পর তাদের কথাই এযাবৎ চলে এসেছে। আজকাল আবার তাদের সহকারী স্বরূপ এসেছে বাইরে থেকে একদল মুসলমান—এখন তাদের কথাই বাংলাদেশে তারা চালাতে চাইছে। তার নমুনা বর্ত্তমান Municipal Bill এর পূর্ব্বে যখন Separate Election বর্ত্তমান ছিলো—তখন মুসলমান seats গুলোকে ঐসব বাইরেকার মুসলমানরা দখল করতো। Joint Election হবার পর ঢুকেছিলেন মোমিন সাহেবের মতন লোক, মিঃ ফজলুল হকের মতন লোক এবং মিঃ নুরুদ্দিন ছেরে যাবার পরও হিন্দুমুসলমান মিলে তাঁহাকে Alderman করে নিয়েছিলেন। প্রথম যখন ১৯০৬ সালে Corporation বয়কট বুলি উঠলো—এই slogan একদল মুসলমান ধরলো তার পোড়াতে ছিলো চাকরী পাওয়ার দাবি। কিন্তু যখন separate

election ছিলো—তখন, আমরা দেখতে পাচ্ছি কি,—মুসলমান প্রতিনিধিগণ ইচ্ছা কোরেই মুসলমানদলকে চাকরী দেয় নাই। সেখানে তারা নিজেরা থেকে অন্য লোকে ঢুকিয়েছে—মোটা টাকা ঘুষ খেয়ে খেয়ে, হিন্দুদের চাকরী দিয়েছে। তা যদি না করতো—তাহলে নিশ্চয়ই মুসলমানদের চাকরী দিতে পারতো। আমি challenge কোরছি—আমি যত মুসলমানদের চাকরী দিতে পেরেছি, separate election তার অর্দ্ধেকও কেউ দিতে পারবে না। separate election যারা চাইছে সংখ্যায় যদি সেসব মুসলমান খুব বেশী হয়েই থাকে,—তবে গুণ্ডা পাঠিয়ে আমাদের meeting গুলো ভাঙ্গা হলো কেন? সেদিন Albert Hall এ বাঙ্গালী মুসলমানরা meeting কোরছিলো—সেখানে একদল গুণ্ডা যেয়ে meeting ভেঙ্গে দেয়। আজকে আবার টাউন হলে কি হলো? সেখানে মৌলবী আব্দুল হামিদ সাহেবের সভাপতিত্বে বিরাট সভা হচ্ছিলো—সেখানে মোল্লাজানের মতন লোক কে ঢুকিয়ে সভার ভিতর গুণ্ডামি চালানো হয়েছে, সেখানে ৫০।৬০ খানা চেয়ার ভেঙ্গে পড়ে আছে—৪০।৫০ জন লোক আহত হয়ে হাসপাতালে গিয়েছে। এইরকমভাবে গুণ্ডামি কোরে, বদমায়েসী কোরে, বাইরেকার মুসলমান বাংলার মুসলমানদের সর্ব্বনাশ করার জন্য উঠে পোড়ে লেগেছে। আজ joint election থাকার দরুণ সত্যকারের মুসলমান যারা, বাংলাদেশকে যারা ভালোবাসেন তারাই করপোরেশনে যেতে পারছে। কিন্তু separate election যদি পাশ হয় তাহলে সাম্নের বৎসর থেকে মাত্র তারাই যেতে পারবে—বাংলাদেশের ভালো মন্দে যাদের কিছুই যায় আসে না। আর তার ফল কি হবে সে আমরা জানি। বাংলার মুসলমানেরা আজ এইরকমভাবে যা ইচ্ছা কোরতে পারেন কিন্তু আমি বোলে রাখছি—এর ফলে বাংলার মুসলমানের ঘোরতর অনিষ্টই হবে। তারা কোন কাজকর্ম্ম তো পাবেই না, কোন দিক দিয়ে কোন sympathy ও পাবে না। এবং আর এক দিক দিয়ে মোরবে rate prayer রা। হিন্দু মুসলমানের মধ্যে লড়াইয়ের ফলে তারা হিন্দুর কাছে গেলে হিন্দুরা বোলবে আমরা কিছু জানি না, তোমাদের আপনার লোকের কাছে যাও। মুসলমানদের কাছে গেলে তারা বোলবে আমাদের তো কোন হাত নাই, ওদের কাছে যাও। এইভাবে rate prayer রা যাবে মারা। তাই বোলছি বিলটা circulate করা হোক, জন-সাধারণের অভিমত নেওয়া হোক, তারা যদি বাস্তবিকই চায় তবে আমিও এই Bill কে support কর্ত্তে প্রস্তুত আছি। আর একটি কথা আমাদের সম্বন্ধে বলা হয় যে বয়কটের দরুণই আমরা Corporation এ ঢুকিতে পারিয়াছি।

আমি মাননীয় ফজলুল হক্ সাহেবকে জিজ্ঞাসা করতে চাই তিনি আমাকে Corporation এ দাঁড়াইবার জন্য nomination দিয়াছিলেন কিনা? এবং তাঁহার হাতেই মুসলমানদের nomination দেওয়ার ভার ছিলো কি না? আর বলা হয় আমাদের nomination paper এ কোন মুসলমান সহি করে নাই। আমি নিজে ২২ খানা paper submit করিয়াছিলাম। প্রত্যেকখানিতেই মুসলমানদের সহি ছিল।

তারপর বয়কট চালাইবার সময় নবাব সাহেব সাহেদ সাহেব আমাকে ডাকিয়াছিলেন বয়কট চালাইবার জন্য। আমি বলিয়াছিলাম সে যদি শেষ পর্য্যন্ত অর্থাৎ গভর্ণমেন্ট nomination করিয়া পাঠায় তাঁহাদের বিরুদ্ধেও বয়কট চালাইতে হইবে, তখন তাহারা বললেন যে না—তখনই আমি বললাম যে তাহলে আমি নিজে দাঁড়াব এবং অন্য লোককে দাঁড় করাব।

(At this stage the member reached his time-limit.)

Mr. A. M. A. ZAMAN: One minute, Sir.

Mr. DEPUTY SPEAKER: I am sorry, I cannot give you any extra time.

(Cries of "We want to hear him; we want to hear him" from Congress and Krishak Proja members.)

Mr. DEPUTY SPEAKER: All right. I shall allow you one minute only.

Mr. A. M. A. ZAMAN: তারপর এই Bill টা যে ভাবে তাড়াহুড়া কোরে প্রস্তুত হয়েছে—তার মধ্যে ১০ জন যাবে nominated হয়ে। এই nomination করাটা গভর্ণমেন্ট হাতে রেখেছেন কেন? রেখেছেন K. C. Roy Chowdhury, Latafat Hossain এর মতন লোক, যাঁরা election এ labour centre থেকে কোন ভোট পান নি, অথচ বর্ত্তমান গভর্ণমেন্টের কৃপায় কাউন্সিলে ঢুকেছেন, সেই রকম লোকদের করপোরেশনে ঢোকাবার জন্য এই nomination এর ব্যবস্থা করা হোয়েছে। এখানে আমি আর একটা কথা বোলে রাখতে চাই যে ইস্পাহানী সাহেব যিনি এই Bill এর জন্য এত দরদ দেখান তাঁর অফিসের তিন, চারি শত লোকের মধ্যে একজনও বাঙ্গালী মুসলমান আছে কিনা?

(Here the member having reached the time limit again had to resume his seat.)

Maulvi MD. MOZAMMEL HUQ: (The following is an English translation of the Bengali speech delivered by the member.)

Mr. Speaker, Sir, two problems are confronting us to-day. Now the question is which one should be taken up. Formerly, our hon'ble friend Maulvi Syed Nausher Ali used to adorn the Treasury Bench. Not finding it congenial there, he made for the woods with a sad heart, to wit, joined the so-called Krishak Praja Party fostered under the cool shade of the Congress and I am just trying to decide whether I should accept the advice that he has tendered from his place over there or the advice given by the forefathers of my Hindu friends belonging to the Congress. In my opinion a genuine brand is better than its imitation. This is why I have made up by mind to accept the advice given by the forefathers of my Hindu friends belonging to the Congress.

Let us now see what that advice is? Said the forefathers of my Hindu friends who were great sages, "লালয়েৎ পঞ্চ বর্ষাণি, etc." That is to say, the teaching of your forefathers (Congress side), "Your forefathers too" is that you should fondle and cherish your boys up to the fifth year of their age and should punish them by beating during the next ten years only, but as soon as the boy attains the sixteenth year of his age, the father should treat him as his friend. Why have the sages advised us to treat our boys as our friends? There must be some reason behind it. Or else, why should they give such advice in the form of a verse? To my mind the reason is none other than this that prior to sixteen years of age boys are in a state of minority and are physically weak. While taking milk, perhaps, many Hindu fathers used to share the whole of the cream and give the rest of the milk to

their boys to drink. But so soon as the boy was 16, he claimed—"*Well, do you mean that you will eat up the whole of the cream because you are father and I shall have to remain satisfied with plain milk? What tyranny this is! What injustice!*" He then seized the throat of his father and said—"No matter whether you are a father or anything else. As a son, I too, have a claim on the cream. Hence, you cannot alone take the whole of the cream." (Congress side: "Do you not give your son cream to eat"?) He gained his objective. Many Hindu boys of 16 seized the throats of their Hindu fathers who were tyrants. It is for this reason that Hindu sages were obliged to advise that you should treat your boy as a friend as soon as he entered upon his sixteenth year, that is to say, as soon as he came of age and was physically strong. "The Hindu is the elder and the Muslim the younger brother". "If there is anything to be done for the good of the country, we two brothers shall pull our weight together to do it". "If there is the independence of the country to be achieved, we two brothers shall unite to achieve it". Empty platitudes like these have been heard for a long time in many places from our Hindu elder brother. But what have we achieved practically? (Coalition side: "All these are mere bluffs".) As a result, our Hindu friends and Hindu elder brothers have themselves been sharing the whole of the cream, while we the Muslims have not even milk mixed with water to drink, far less the cream. All that we have a claim to, have been wrongfully enjoyed by them without any dispute for the last 180 years. Such has been their maltreatment to us, their younger brothers, that we have been driven to the last limits of our toleration to-day. We, too, have now developed the strength to seize the throat. If a friendly treatment is not accorded to the Muslims, we shall have our demand fulfilled by seizing their throats in the street and other places. (Mr. Santosh Kumar Basu: "Do you mean to say that you will seize our throats in the streets and other places"?) What is the reason behind the Bill presented by the Hon'ble Nawab Bahadur? He has brought the Bill in its present form simply because the demands of the Muslims have been trampled under foot in the Calcutta Corporation.

"Necessity is the mother of invention" is another saying accredited to sages. To-day this Bill has been created because of our wants. Had our Hindu friends treated us well, the joint electorate system would have remained intact. But Muslim interests are being trampled under foot everywhere because of the existence of the joint electorate. Hindus have fed us with verbal assurance, but behind the scene all our rights are being subjected to *zabah* to our utter ruination. (Congress side: "Hindus do not perform *zabah*.") Khan Bahadur Hasemali Khan contested the municipal election at Barisal. But the Hindus there did not vote for him. They elected one Kazi Azhar Ali, who is a petty shop-keeper, a member by casting their votes in his favour.

The Hindus at Barisal did not vote for Maulvi Mobarak Ali, M.A., B.L., a sitting member and a candidate in the municipal election, but returned one Afazuddin, a cartman, as a member by the sheer force of their votes. This is the effect of joint electorate. Such activities have to-day resulted in the Moslem community demanding immediate abolition of the evil system of joint electorate and introduction of the separate electorate system in its place. (Here the member reached the time-limit.)

I may be allowed a little more time. Our honourable friend Maulvi Nauser Ali has tendered enough advice indicating that it is the joint electorate which will make for good. He considers separate electorate as harmful to the country. We have heard about all these theories for a long time. We shall now prove by practice, by having our demands conceded to, that we are no longer mere minors but have attained majority and know how to have our demands fulfilled. If good sense has dawned on the Hindu friends before us, I request them to make proper provisions so that we may enjoy some comfort and convenience after such a long time. I further request them not to oppose this Bill but to support us.

(Here the member having reached his time-limit again, resumed his seat.)

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় সভ সভাপতি মহাশয় আজকের এই পরিষদ গৃহে যে আলোচনার সূত্রপাত হয়েছে, আমার মনে হয়,- আজকের এই পূর্বতর বিষয়ের উপর এর চেয়ে গভীর এবং চিন্তাশীল আলোচনার সুযোগ ছিলো। বাংলাদেশের দুর্ভাগ্য যে যখন দুনিয়ার সমস্ত জাতি নানা ক্ষেত্রে অনেক কিছু বড় বড় কথা ভাবছে--দেশের উন্নতিমূলক শিল্পবাণিজ্যের প্রতিষ্ঠা ও প্রসারের কথা, জাতির কৃষ্টি ও রাষ্ট্রের নানাবিধ উন্নতির পরিকল্পনার কথা চিন্তা করছে, ঠিক সেই সময়েই বাংলার একদল কেমন করে দেশকে পিছিয়ে নিয়ে যাবে তাই ভাবতে ব্যস্ত। বাড়ীর পাশে চীন, সেখানকার মুষ্টিমেয় সৈনিক মুসলমান বিরাট চীনদেশে জাতীয় দুর্দিনের দিনে বাকি চীনাদের স্বার্থের সঙ্গে স্বার্থ মিলিয়ে জাপানের বর্বর আক্রমণ থেকে নিজেদের দেশকে রক্ষা করবার জন্য সকলে এক হয়ে দাঁড়িয়েছে; তাদের মধ্যে যুক্ত বা পৃথক নির্বাচনের সমস্যা আজ জাগে নি, চীনের মুসলমান নিজেদের বিপন্ন মনে করে না, সংখ্যায় তারা মুষ্টিমেয় হওয়া সত্ত্বেও নিজেদের স্বার্থ রক্ষার জন্য তারা "ইসলাম বিপদাপন্ন" বলে চিৎকারও করে না। আজকে বাড়ীর আরো সামনে দেখছি—প্রগতিশীল তুরস্ক জাতি মুসলমান হোয়েও পুরাতন আরবীয় সভ্যতাকে আঁকড়ে ধরে বোসে নেই, নবীন তুরস্ক আজ মুসলমানের বিশ্বভ্রাতৃত্বের দোহাই দিয়ে বিদেশী আরবীয় আদর্শকেই নিজের জাতির আদর্শ বলে মনে করে না, সে আরবীয় পরিচ্ছদ, ভাষা, আচারব্যবহার--এমন কি লিপী পর্যন্ত জাতীয় জীবন থেকে নির্বাসন দিয়েছে; নবীন তুরস্ক আজ মানুষ হিসাবেই ইউরোপের সঙ্গে পাল্লা দিয়ে অগ্রসর হয়েছে—মুসলমান হিসাবে নয়; একমাত্র জাতির প্রতি ও দেশের প্রতি ঐকান্তিক প্রেমই তাকে সকল দিকে এগিয়ে নিয়ে চলেছে।

Maulvi MUHAMMAD ISRAIL: On a point of order, Sir. Is Mr. Chakrabarty relevant?

Mr. DEPUTY SPEAKER: Yes, otherwise I would have pulled him up.

Babu NARENDRA NARAYAN CHAKRABARTY: দুনিয়ার আর সব মুসলমান প্রধান দেশে যখন দেশ ও জাতির প্রতি এমন মমত্ববোধের পরিচয় দেখছি,—ঠিক সেই মুহূর্তে, আজ বাংলা দেশের জনসাধারণের যারা প্রতিনিধিত্ব দাবী করেন, বাংলার সমস্ত অধিবাসী, যাদের কার্যকলাপের দিকে, আচরণের দিকে, পরম ঔৎসুক্যভাবে তাকিয়ে রয়েছে, তাদের মুখ থেকে এই পরিষদের ভিতর যে সব অসোষ্ঠব ও অসংলগ্ন কথা বক্তৃতাকারে বেরিয়ে পড়ে, তা শুনলেও হাসি পায়। নিজে কবি হয়েও যে কবি সাহেবের কল্পনা কি কোরে এত সীমাবদ্ধ ও সঙ্কীর্ণ হলো, তা আমার বুদ্ধির অগম্য। সুদূরপ্রসারি দৃষ্টি নিয়ে অসীম জগতের পানে তাকিয়ে বিপুল বিশ্বের উত্থান পতনের হিসাব নিকাশ কোরে নূতন নূতন ভাবধারা কবিতায় ফলাতে চেষ্টা করুন, নতুবা কবির খেয়ুর হবে, কবিতা হবে না। কলিকাতা কর্পোরেসনে যুক্ত ও পৃথক নির্বাচনের যৌক্তিকতা নিয়ে প্রশ্ন উঠেছে! আমি জানি বঙ্গদেশে এমন আছে যেখানকার বিশেষ অবস্থার জন্য পৃথক নির্বাচনের ব্যবস্থা হয়েছে বা হতে পারে। কিন্তু জগতের ইতিহাসে কোথাও এমন ঘটে নাই যে একবার যুক্ত নির্বাচন প্রথা প্রবর্তিত হবার পর সেটাকে নাকচ কোরে দিয়ে—আবার পৃথক নির্বাচনের ব্যবস্থা হয়েছে। বর্তমান জগতের ইতিহাসে এরূপ ঘটনার নজীর খুঁজে পাওয়া যাবে না। যুগে যুগে ইতিহাসের ধারা মানুষকে ক্রমোন্নতির দিকেই এগিয়ে নিয়ে চোলেছে। কিন্তু কতিপয় স্বার্থান্ধ নায়কের প্ররোচনায় বাঙ্গালী জাতির ভাগ্যের দুর্দ্দিন এবং দুর্যোগকে ঘনিয়ে আনা হচ্ছে সেই দুর্দ্দিন এবং দুর্যোগের ভাগী যে কেবল আমরাই হবো তা নয়, যে দুরপনেয় কলঙ্ককে আজ বাংলার ইতিহাসের পৃষ্ঠা মসি লিপ্ত হচ্ছে তা দেখে আমাদের ভবিষ্যৎ বংশধরেরা এই কথাই বোলবে "এ দেশকে, এ জাতিকে আমাদের পূর্ব্বপুরুষেরা স্বেচ্ছায় পরাধীনতার পঙ্কিল আবর্ত্তে চিরতরে ডুবিয়ে রেখে গিয়েছে।" আমি জানি বাংলার এই দুর্ভাগ্য ও দুর্যোগ থাকবে ততদিন,—যতদিন এই কুচক্রী মন্ত্রীমহল বাংলার বুকের উপর টিকে থাকবে। তার কারণ বর্তমান মন্ত্রীমণ্ডলের একজন মন্ত্রীও ভারতের মুক্তি স্বপ্ন জীবনে দেখে নি, দেশের মুক্তির জন্য কোনপ্রকার ত্যাগ ও দুঃখ বরণ করবার আকাঙ্খাও তাদের মনে কোন দিন জাগে নি। মুক্তি সংগ্রামের সৈনিকরূপে একদিনের জন্যও বিপদকে স্বীকার করবার কল্পনা মনের কোণে উদয় হয় নি। তাদের নিজেদের গায়ে দুঃখ বেদনার আঘাত তো লাগে নাই ই, তাদের পরিবারস্থ লোকের মধ্যেও কেউ কোন দিন দেশের জন্য দুঃখ বেদনা আঘাত, ও মৃত্যু বরণ করবার কল্পনা পর্যন্ত করে নি। একটা দিনের জন্যও যদি দেশের স্বাধীনতার নেশা এদের প্রাণে জাগতো, জাতির প্রাণে এই সর্বনাশ আত্মকলহের ইন্ধন এরা জোগাত না, একটী মুহূর্তের জন্যও যদি মুক্তি স্বপ্ন এদের অন্তরকে আলোড়িত করতো — ইংরেজের স্বার্থের যূপকাষ্ঠে দেশের ও জাতির স্বার্থ বলি দিবার পূর্বে একবারের জন্যও অন্তরাত্মা এদের কেঁপে উঠতো। নিজেদের বিশ্বাসঘাতকতার জন্য এরা সেবাব্রতী, নিজেদের স্বার্থান্ধতায় এরা অন্ধ। আজ চাকরীর নেশার কাছ থেকে যে এই ভিক্ষা এসেছে তাতে আশ্চর্য্য হবার কিছু নেই। তিনি তাদের নায়ক। মাতৃভূমিকে শৃঙ্খলিত রেখে য়ুরোপীয়ানদের স্বার্থ পুষ্ট করাই যে এদের পূর্ব্ব ইতিহাস। তিনি তো সেই ধারেরই ছেলে। রাজা, মহারাজা নবাব প্রভৃতি যাঁরা সব মন্ত্রী সেজে আছেন তাঁরা আছেন ইংরেজের স্বার্থ রক্ষা করবার জন্য, ইংরেজের শাসনকে পরিপুষ্ট ও কায়েম করার জন্য। তাঁদের পক্ষ থেকে দেশকে দ্বিধা বিভক্ত করবার চেষ্টার মধ্যে বিন্দুমাত্রও অস্বাভাবিকতা নেই। কিন্তু বিস্মিত হই আমরা যারা বাংলার পল্লী থেকে এসেছি তারা; যেখানে আজ শত চেষ্টা সত্ত্বেও সাম্প্রদায়িকতা সুদূর হয়ে উঠেছে না—আজ সরল সহজভাবে হিন্দু মুসলমান পাশাপাশী বাস করছে সেখানকার, তাদের প্রতিনিধিত্ব করতে এসে আজ এখানে আত্মকলহের পঙ্কিল পঙ্কে নিমজ্জিত হোয়ে দেশের ও জাতির সর্বনাশ-চেষ্টায় সাহায্য করতে লজ্জিত হওয়া উচিত। এই কোবনেটের মধ্যে যে সব হিন্দু মন্ত্রী আছেন, তাঁদের প্রত্যেককে কৈফিয়ৎ দিতে হবে সমস্ত হিন্দু জাতির নিকট, যদি আজ বাঙ্গালীর শ্রেষ্ঠ মনীষী সুরেন্দ্রনাথের অবিচলিত নিষ্ঠা ও দেশ-

প্রীতির পরিচয় এই কলিকাতা করপোরেশনের সেবা-আদর্শকে তাঁরা খর্ব করেন; তাঁর সেই কীর্ত্তিস্তম্ভের ধ্বংসসাধনে তাঁরা যদি মুশলিম লিগ্ পন্থী মন্ত্রীদের সঙ্গে সহযোগিতা বা তাদের সাহায্য করেন (shame, shame) তাঁরা যেন মুহূর্ত্তের জন্যও একথা না ভোলেন যে জাতিকে অপমান করার এই কলঙ্ক চিহ্ন তাঁদের সমগ্র জীবনকে চিরলাঞ্ছিত কোরে রাখবে, এবং সমগ্র জাতির অভিশাপ লেলিহান বহ্নি শিখার মতই তাঁদের ভবিষ্যৎ জীবনকে জ্বালিয়ে পুড়িয়ে খাক করে দেবে।

Mr. SHAH SYED GOLAM SARWAR HOSAINI: মাননীয় ডেপুটী স্পীকার মহোদয়, আমি সর্বপ্রথমে আজ বঙ্গীয় গভর্ণমেন্টের স্বায়ত্ত শাসন বিভাগের ভারপ্রাপ্ত মন্ত্রী মাননীয় নবাব হাবিব উল্লা বাহাদুর ও তাঁহার গভর্ণমেন্টকে অভিনন্দিত করিতেছি কেন না এই কলিকাতা করপোরেশান এলেখার সংখ্যালঘিষ্ঠ সম্প্রদায়গুলি বহুকাল হইতে সংখ্যাগরিষ্ঠ বর্ণহিন্দু সম্প্রদায় ও তাহাদের প্রতিষ্ঠান কংগ্রেস, হিন্দু মহাসভা প্রভৃতি দ্বারায় নানাভাবে উৎপীড়িত ও নির্য্যাতিত হইয়া আসিতেছে এবং কলিকাতা করপোরেশানের প্রচলিত আইনকে সংশোধন করার জন্য ও স্বতন্ত্র নির্ব্বাচন প্রথা প্রচলিত করার জন্য তীব্র আন্দোলন ও কাঁদাকাটি করিয়া আসিতেছে কিন্তু তৎকালীন বধির গভর্ণমেন্ট ইহার প্রতি ভ্রূক্ষেপ করেন নাই। বাংলার বর্ত্তমান গনতান্ত্রিক গভর্ণমেন্ট ও তাহার স্বায়ত্ত শাসন বিভাগের ভারপ্রাপ্ত মন্ত্রী মাননীয় নবাব বাহাদুর কলিকাতা করপোরেশান আইন সংশোধনে অগ্রসর হইয়াছেন পুনঃরায় আমি তাহাকে অভিনন্দিত করিতেছি।

Sir, আমরা ঐদিনকে অভ্যর্থনা করিতে প্রস্তুত হইয়া আছি যেইদিন অদ্যকার এই কলিকাতা করপোরেশান বিল আইনে পরিণত হইয়া করপোরেশান এলেখায় কার্য্যকরী হইতে দেখিব।

Sir, আমার অনেক কংগ্রেস বন্ধু এই বিলকে উপলক্ষ্য করিয়া স্বতন্ত্র নির্ব্বাচন প্রথাকে সাম্প্রদায়িকতাকে এবং অবাঙ্গালী মোছলমানদিগকে লক্ষ্য করিয়া তীব্র হলাহলপূর্ণ মনোভাব নিয়ে সমালোচনা করিয়াছেন এবং বাঙ্গালা গভর্ণমেন্টের উপর ব্রিটিশ সাম্রাজ্যবাদের ও ইউরোপীয় প্রভাবের দোহাই দিয়া এই গনতান্ত্রিক গভর্ণমেন্টকে হেয় করিতে চেষ্টা করিয়াছেন।

Sir, এই ভারতবর্ষে কংগ্রেস ও হিন্দু মহাসভা যেসকল স্বায়ত্ত শাসন প্রতিষ্ঠান অধিকার করিয়াছেন তাহার প্রত্যেকটীতেই আজ সংখ্যালঘিষ্ঠ মোছলমান, অনুন্নত সম্প্রদায় প্রভৃতির ন্যায় সঙ্গত দাবী দাওয়ার প্রতি যে সংখ্যাগরিষ্ঠ বর্ণহিন্দু সম্প্রদায় কংগ্রেসের পৃষ্ঠপোষকতায় যে অবিচার অত্যাচার করিতে আরম্ভ করিয়াছেন তাহার ফলে সংখ্যালঘিষ্ঠ সম্প্রদায়গুলির করুণ ক্রন্দনে ভারতের আকাশ বাতাস বিদীর্ণ হইতেছে। কলিকাতা করপোরেশানে মোছলমান ও সংখ্যালঘিষ্ঠ সম্প্রদায়গুলি স্বতন্ত্র নির্ব্বাচন দাবী করায় বাঙ্গালা সরকারের উপর আমার কংগ্রেস বন্ধুগণ ব্রিটিশ সাম্রাজ্যবাদ ও ইউরোপীয় প্রভাবের দোষারোপ করিয়াছেন। Sir, আমি জিজ্ঞাসা করি কংগ্রেসদলকে উড়িষ্যা, বিহার, মাদ্রাজ, [illegible] প্রদেশের উপর কংগ্রেসী ভাষায় ব্রিটিশ সাম্রাজ্যবাদ ও ইউরোপীয় প্রভাব নাই সম্পূর্ণ কংগ্রেস [illegible] করিতেছে কিন্তু আজ ঐসকল কংগ্রেস প্রদেশের মোছলমান ও অন্যান্য সংখ্যালঘু সম্প্রদায় জীবন মরণ পণ করিয়া স্বতন্ত্র নির্ব্বাচনের দাবী উপস্থিত করিয়া কংগ্রেসের সহিত সংগ্রাম করিতেছেন কেন? কংগ্রেসের অতীত ও বর্ত্তমান কার্য্যপদ্ধতি দ্বারায় ভারতবর্ষের প্রত্যেকটী সংখ্যালঘু সম্প্রদায় বুঝিতে পারিয়াছে যে কংগ্রেস সংখ্যালঘুদের জন্য নহে উহা কলে কৌশলে একমাত্র বর্ণহিন্দু স্বার্থই রক্ষা করিবে। বর্ত্তমান কলিকাতা করপোরেশান ও কংগ্রেস শাসিত প্রদেশের শাসন নীতিই আমার এই উক্তির জ্বলন্ত প্রমাণ। এই কলিকাতা করপোরেশান আজ প্রত্যেক রকমের সুযোগ সুবিধা হইতে মোছলমান সমাজকে বঞ্চিত রাখিয়াছে, মোছলমান সমাজের অভাব অভিযোগ ও দাবী দাওয়ার পথে দরজা বন্ধ করিয়া রাখিয়াছে, প্রতিদিন কতভাবে এই কলিকাতা করপোরেশান দ্বারায় মোছলমান সমাজের ন্যায় সঙ্গত অধিকার উপেক্ষিত ও অপমানিত হইতেছে তাহার ইয়ত্তা করে কে?

Sir, আমরা বিশেষভাবে চিন্তা করিয়া বুঝিতে পারিয়াছি যে স্বতন্ত্র নির্বাচন অধিকার ব্যতীত করপোরেশান এলেকায় মোছলমান ও সংখ্যালঘুদের দাবীদাওয়া, অধিকার ও অস্তিত্ব রক্ষা হইবে না। আমি এই বিল ও স্বতন্ত্র নির্বাচন প্রথাকে প্রাণের সহিত সমর্থন করিতেছি।

Sir, জাতীয়তার নামে মৌলভি ছৈয়দ নওশের আলীর মুখে আজ যে বক্তৃতা শুনিলাম ইনি কি যশোহরের সেই পুরুষ-সিংহ ছৈয়দ নওশের আলী, না তাহার প্রেতাত্মা, আমি বড়ই ধাঁধায় পড়িয়াছি। আমি তাঁহাকে মাত্র এই বলিয়া দিতে চাহি যে মহনবী হজরত মোহাম্মদ মোস্তফার শিক্ষাদীক্ষা ও এছলামের বিশ্বভ্রাতৃত্বকে পরিত্যাগ করিয়া কংগ্রেসের জাতীয়তার মোহে পড়িয়া সমাজ দ্রোহিরূপে কলিকাতা করপোরেশান বিলের বিরোধিতা করিতে আমরা কেহই প্রস্তুত নহি। আমাদের অনুরোধ তিনিও এই বিলের সমর্থন করুন।

Sir, মিঃ আবু হোছেন সরকার এই বিলের বিরোধিতা করিতে যাইয়া যেই মনোভাবের পরিচয় দিয়াছেন তাহাতে আমরা দুঃখীত। এছলাম ধর্ম্মে ও মোছলমান সমাজে বাঙ্গালী অবাঙ্গালীর কোন প্রভেদ নাই। মিঃ আবু হোছেন সরকার এছলামের এই সৌন্দর্য্য নীতিকেও আক্রমণ করিয়াছেন বাঙ্গালী অবাঙ্গালীর দোহাই দিয়া তিনি মোছলমান সমাজ মধ্যে মতভেদ সৃষ্টি করিবার প্রয়াস পাইয়াছেন। তিনি ইস্পাহানী, সরওয়ার্দ্দি প্রভৃতি মোছলমান সমাজের নেতৃস্থানীয় ব্যক্তিদিগকে আক্রমণ করিয়াছেন কিন্তু আশ্চর্য্যের বিষয় থৈতান, তেওয়ারী, মাড়ওয়ারি, ভাটিয়া প্রভৃতি অবাঙ্গালী হিন্দুদিগের সম্পর্কে সম্পূর্ণ নীরব। আজ বাঙ্গালার ব্যবসা বাণিজ্য, শিল্প, বেঙ্কস্ প্রভৃতি অবাঙ্গালী হিন্দু অধিকার করিয়া বসিয়া আছে, অন্য দিকে বাঙ্গালার হিন্দু তাহাদের সহায়তা করিতেছে। কংগ্রেসের 'এমনি সংসর্গ' মিঃ আবু হোছেন তাহা দেখিয়াও দেখিলেন না ইহা নেমকের গুণ। মিঃ আবুহোছেন সরকারকে বলিতে চাই বাংলার সহর ও পল্লীর সমস্ত মোছলমান কলিকাতা করপোরেশানের এই বিল ও স্বতন্ত্র নির্বাচন প্রথা সমর্থন করিতেছে এবং করপোরেশান নির্বাচনে ইস্পাহানি ও সরওয়ার্দ্দি প্রভৃতি পরিবারের সফলতা কামনা করিতেছে। যে দিন অবাঙ্গালী হিন্দু বাংলাদেশ ত্যাগ করিয়া নিজ দেশে চলিয়া যাইবে তখন সে দিন আমরা আমাদের বিষয় চিন্তা করিব।

Sir, সম্ভ্রান্ত সদস্য মিঃ জে. এন. বসু এই বিলের বিরোধিতা করিতে যাইয়া বলিয়াছেন লন্ডনে খৃষ্টান, য়িহুদী, প্রোটেষ্টান্ট, ক্যাথলিক প্রভৃতি সম্প্রদায় থাকিয়াও কোন সাম্প্রদায়িক দলাদলি হয় না। আমাদের দেশে কেন হয়, এবং মিউনিসিপালিটীতে হিন্দু, মোছলমান সাম্প্রদায়িকতা কেন? Sir, আমি মিঃ বসুকে জানাইয়া দিতে চাই লন্ডন ও বাঙ্গালার অবস্থা এক নয়। এই প্রদেশে ও করপোরেশানের ভিতর কোন সম্প্রদায়ের দ্বারায় সাম্প্রদায়িকতা আসিয়াছে তিনি নিরপেক্ষ তদন্ত করিলে বুঝিতে পারিবেন। আমি আমার নিজ অভিজ্ঞতা হইতে বলিতেছি যে যেদিন এই করপোরেশানের উপর কংগ্রেসের প্রভুত্ব জন্মিয়াছে সেইদিনই ইহার ভিতরে হিন্দু মোছলমান প্রশ্ন সৃষ্টি হইয়াছে। মিঃ বসু কি জানেন না যে কলিকাতা করপোরেশানের বর্ত্তমান নির্বাচন নীতি দ্বারায় মোছলমান সমাজের সত্যিকার প্রতিনিধি নির্বাচিত না হইয়া মোছলমান সমাজ বর্জ্জিত কংগ্রেসের ফেনচাটা মীরজাফর দলই নির্বাচিত হইয়া থাকে" আমরা ইহার প্রতিকার করিতে চাই।

মিঃ বসু কি জানেন না যে কলিকাতা করপোরেশান তাহার প্রত্যেক বিভাগে মোছলমানদিগকে চাকুরি হইতে বঞ্চিত করিয়া বর্ণ হিন্দুদিগকে চাকুরি দিয়া প্রতিপালন করিতেছেন। অনেক সময় উপযুক্ত মোছলমান প্রার্থীকেও উপেক্ষা করিয়া অনুপযুক্ত হিন্দু প্রার্থীকে চাকুরি দেওয়া হইয়া থাকে— আজ আমরা ইহার প্রতিকার চাই।

মিঃ বসু কি জানেন না যে করপোরেশান এলেকায় হিন্দুপ্রধান মহল্লার রাস্তা, স্কুল, পানির কল, আলো প্রভৃতির কত সুবন্দোবস্ত। আর মোছলমানপ্রধান মহল্লা তাহার সম্পূর্ণ বিপরীত নোংরা ঘৃণ্যময় মনে হয়, যেন ইহাদের প্রতি করপোরেশানের কোন কর্ত্তব্য নাই এবং ইহারা করপোরেশানের কেহ নহে।

মিঃ বসু কি অবগত নহেন যে এই করপোরেশান হিন্দুর পূজা পার্বণে, গঙ্গাস্নানে, কুম্ভস্নানে প্রতি বৎসর হাজার হাজার টাকা খরচ করিয়া থাকেন, আর মোহলমানের ফাতেহা দোয়াজদহম, ঈদ, মহরম, উপলক্ষে একটী কানাকড়িও খরচের প্রস্তাবন মনে করেন না—

মিঃ বসু কি অবগত নহেন যে এই করপোরেশান মোছলমান ও ইউরোপীয় নামানুকরণের রাস্তা ও পার্কের নাম পরিবর্ত্তন করিয়া কংগ্রেস ও হিন্দু মহাসভার নেতাদের নামে উক্ত রাস্তা ও পার্কের নাম রাখা হইতেছে।

Sir, কলিকাতা করপোরেশনের এইপ্রকার আচরণে আমাদের দৃঢ় বিশ্বাস জন্মিয়াছে যে স্বতন্ত্র নির্ব্বাচন ব্যতীত ইহার কোন প্রতিকার নাই ও হইতে পারে না। আমি এই বিল পুনরায় সমর্থন করিতেছি।

মিঃ নরেন্দ্র চক্রবর্ত্তী জাতীয়তার নামে প্রাণস্পর্শী ভাষায় বক্তৃতা করিয়াছেন। তাঁহার এই জাতীয়তায় কোন সংখ্যালঘিষ্ঠ সম্প্রদায় যোগ দিতে পারে না ও দিবে না। এইপ্রকার ভণ্ড জাতীয়তায় এই প্রদেশের অমঙ্গলই হইবে। এই প্রদেশের মঙ্গলার্থে এই বিষাক্ত জাতীয়তা ও কংগ্রেস হাওয়া এই প্রদেশ হইতে দূর করিয়া দিতে হইবে। আপ্রাণ চেষ্টায় করপোরেশান এলেকায় জাতিবর্ণনির্ব্বিশেষের স্বার্থ এবং সংখ্যাগরিষ্ঠদের গ্রাস হইতে সংখ্যালঘিষ্ঠদিগকে রক্ষা করিতে হইবে। কলিকাতা করপোরেশান——

(At this stage the member having reached his time-limit resumed his seat.)

Mr. ATUL KRISHNA GHOSE: Mr. Deputy Speaker, Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September 1939.

Sir, much discussion has been, and is, being continued from the beginning of to-day's sitting but the atmosphere which has been created in the House is, I should like to say, anti-national. The analogy that the Government have introduced in the Aims and Objects of this Bill, I would like to challenge it from their own words. They state in the Statement of Aims and Objects of this Bill: "It is further considered that the claim of labour for adequate representation on the Corporation can no longer be ignored, and in the analogy of the Government of India Act, 1935, provision has accordingly been made in the Bill." When the Government draw the analogy of the Government of India Act, 1935, they conveniently forget that the system of nomination which they are going to introduce stands in opposition to the fundamental principle of the Government of India Act, 1935, so far as that Act is applied to the constitution of this Bengal Legislative Asembly. Can they explain this anomalous situation? Why do they quote in support of their action in some shape and in some form the Government of India Act whereas they contradict it when they want to retain the system of nomination in the Calcutta Corporation? Is not that a self-contradiction? Is not that, if I may be allowed to say so, deliberate hypocrisy on the part of the Cabinet? Then I would like to draw the attention of honourable members who

very vehemently espoused the cause of separate electorate, and ask them whether they are willing to introduce the system of separate electorate in the districts of Jessore, Bakarganj, Mymensingh, Chittagong and Noakhali? Will the representatives of these districts give their verdict here that they are equally anxious to adopt the system of separate electorate in their own districts? If you are so willing and if you are willing to go back and introduce in all the local bodies the system of separate electorate, just imagine that you are retracing your steps in the field of politics. And on what ground? I admit, as a Congressman that there are corruptions in the administration of municipal affairs of Calcutta. But is that a justification that we will divide amongst ourselves and that we will break one another's head and take shelter at the feet of the European foreigners who have come to exploit this country? You may legitimately put forth your demands that according to such and such ratio of population you are entitled to so much more representation if there is reason behind it. I will go a step further and admit that in respect of contracts, services and many other things you are entitled to have your share. But is there any reason that you should divide the country, you should divide the Calcutta Corporation, you should divide the community and throw it into the hands of Europeans? Is that the justification, is that the reason and is that the nationalism that you preach in this country? I know that there are young men in the Coalition party who are sincere in their own way. I do not challenge that fact. There are a few gentlemen who are sincere nationalists, but there are many others who have no idea of political philosophy. The political philosophy of different countries differ. When the gentleman from Burdwan speaks much of political philosophy, does he forget the fact that in international affairs, the policy and principle of referendum is being introduced. Perhaps you will excuse me, Mr. Deputy Speaker, if I say that many of the Muhammadan members do not understand the policy and principle of referendum. (A voice: Question.) You may ask your brethren to your right and to your left what they understand by political philosophy and what they understand by "referendum" and you will get their replies. You may know, two or three may know, but fifty per cent. of the Muhammadan representatives do not know what is the policy and principle of referendum. When you see in international questions the political philosophy is developing in the direction of referendum, you in India are going back to introduce a system of separate electorate. If that be the aim and ideal of young Muhammadans we have no objection to it. The Hindus can stand even in spite of the separate electorate. Our intelligence, our culture, our financial capacity and our perseverence and patience will be enough to overcome any sort of opposition even when it comes from a few Ministers, be they Mussalmans or others. To-day, Sir, Nazimuddin is the Home Minister. Even at the time when Mr. Prentice was the

Home Member, we opposed him. We have fought and we have maintained our position and national dignity in the past and we will do so in the future.

But I would like to draw the attention of honourable members to the stern realities. Just consider it very clearly, very deeply, whether the system of separate electorate alone will solve the problem or whether it will drag you from the side of the Hindus and make you fall a victim to the Europeans. That is my point. I do not grudge if Mr. Ispahani wants separate electorate. Let him have it, and that will not ruin the Hindus. You have got to see whether that will improve the position of the Muhammadans as a whole. If you want separate electorate to-day in the Calcutta Municipality you will have it, but you will also have to introduce the same principle in all the District Boards and Municipalities. Just think of that situation very deeply and then come to a decision. With these words, Sir, I would like to commend my motion to the house.

Mr. MAFIZUDDIN AHMED: Mr. Deputy Speaker, Sir, in rising to support the Calcutta Municipal Amendment Bill, I must at the very outset most heartily congratulate the Hon'ble Nawab Bahadur of Dacca for sponsoring this beneficial measure calculated to give the rightful and legitimate dues to the different communities in the administration of the second city of the British Empire. I need hardly mention it here that the attitude of the Hindu majority community towards the Muslims and other important minority communities has hitherto been anything but conciliatory. For ages legitimate Muslim rights had been trampled under foot. Injustices and inequities had been perpetrated right and left. Experience has shown unmistakably that the present system of election has been a sad failure to express the Muslim views. I would rather put it more strongly that the present system of joint electorate with reservation of seats has brought in a negation of the rudimentary and natural rights of the Muslims to represent their interests in the administration of the city. The Hindu majority community controls to a large extent the seats reserved for the Muslims. A Mussalman who truly represents the Muslim public views and who would scrupulously safeguard the Muslim interests, stands little or no chance of being elected as the majority community looks askance at him. On the other hand a Mussalman who is pledged to act at the bidding of the Hindu majority community finds his sure chance of being elected. So it is abundantly clear that a Muslim seat under the present system is only a misnomer in the name of the reserved seats. Since the inauguration of this system Muslim public opinion very emphatically expressed itself both in the press and platform that Muslim interests will not be safeguarded thereby. The mentality of the majority community has been made clear more than once. A

man like the Hon'ble Mr. A. K. Fazlul Huq, an accredited leader of the Muslim community and the country, could not be tolerated as the Mayor of the Calcutta Corporation. He had to walk out of the Corporation. And now, who is the Mayor? Mr. Zakaria—a Muslim leader indeed! The choice of the majority community would fall on a man who can barter away his conscience and who is ready to dance to the tune of theirs and not on a man who can think independently and act independently. The best demonstration is furnished by the recent utterances of Mr Zakaria who has denounced the present amendment under consideration. Sir, we have to consider it very seriously if these are the utterances of Mr. Zakaria at all or the utterances of the majority community voiced forth through the mouth of Mr. Zakaria. Mr. Zakaria has been lauded up to the sky by the Hindu press. The reasons are obvious. They are out to tell the world outside that a Muslim leader opposes the Bill But this is a self-deception to themselves They know it in the heart of their hearts, though they do not admit it, that a renegade like Mr. Zakaria has no right to represent Muslim interests or to speak anything on behalf of the Mussalmans.

Sir, matters have come to such a pass that the present state of affairs can no longer be allowed to continue It bodes well for the Muslim citizens of Calcutta that the portfolio of Local Self-Government Department has fallen to the lot of the Hon'ble Nawab Bahadur of Dacca who already spent much of his time for the betterment of the hard lot of the Mussalmans and equitable distribution of powers amongst the different communities We see therefore that he has come out with a definite Bill within a short time, although the matter was dragging for over one year with Mr. Syed Nausher Ali, the then Minister in charge of the Local Self-Government Department.

Sir, if we consider the provisions of the Bill dispassionately we shall see that the provisions have been based on justice, equity and good conscience. It cannot be denied that every community has got an inherent right to represent itself in the administration of its own affairs. If a measure aims at securing that natural and inherent right, it cannot be styled as a communal measure Rather, by strengthening the different limbs of the body-politic you well-nigh approach the realization of that nationalism on equitable basis which should be the ultimate aim of every right-thinking man

With these few words, Sir, I beg leave to support the Calcutta Municipal (Amendment) Bill *in toto*.

Mr. RASIK LAL BISWAS: মাননীয় সভাপতি মহাশয়, আমি এই বিল সার্কুলেশনের মোসনটা সমর্থন কোরছি। অবশ্য বিলটা যেভাবে তৈরী হোয়ে এখানে এসেছে তাতে এর introduction এই আপত্তি করা উচিত ছিলো। সে সময় প্রতিবাদ কোরতে পারি নি বোলে আমার প্রতিবাদ এই সময় জানাচ্ছি। এইরকম যদি বিভিন্ন পৃথক পৃথক সম্প্রদায়ের জন্য পৃথক নির্ব্বাচনের ব্যবস্থা থাকে তাতে যে সমাজের বিশেষ, অমঙ্গল হবে সে

বিষয়ে অনেক বক্তা অনেক কথা বোলেছেন। তাঁদের সঙ্গে আমি একমত। পৃথক নির্বাচনের পৃথক পৃথক সম্প্রদায়ের জন্য পৃথক নির্বাচনের ব্যবস্থা থাকে তাতে যে সমাজের বিশেষ অমঙ্গল দ্বারা এপর্যন্ত যতটা দেখা গিয়াছে তাতে সমাজের যারা নাকি ধনে এবং অন্যান্যরকমে শীর্ষস্থানীয় লোক তারাই সুবিধা ভোগ কোরে থাকেন, যারা নাকি গরীব—নানারকমে যারা অসুবিধা ভোগ কোরে আসছে, তাদের ভাগ্যে পৃথক নির্বাচনের কোন সুযোগ সুবিধা ভোগ ঘটে উঠে না। আজ আমাদের এই Reformed Act এ যা হয়েছে, তার ফলে কি দেখতে পাই? দেখতে পাচ্ছি যে বাংলার আইন পরিষদের শতকরা ৯০ জন member দরিদ্র কৃষকদের ভোট্ পেয়েই এসেছেন; কিন্তু এঁদের পরিচালনার ভার কাদের উপর? এ বিষয়ে একটু দৃষ্টি করা মাত্রই আমরা দেখতে পাই যে গরীবদের পিছনে রেখে দেশের নবাব এবং রাজা মহারাজারাই সব কাজ চালাচ্ছেন। তাতে কি গরীবদের কোন উপকার হচ্ছে? এর যা কিছু benefit দেশের ধনী ব্যক্তিরা vested interest এর লোকেরা নিজেরা সামনে থেকে ভোগ কোরছেন আর গরীবদের ভুল পথে পরিচালিত কোরছেন। সুতরাং এর দ্বারা জন সাধারণের প্রকৃতই কোন মঙ্গল কি হতে পারছে, না হবার সম্ভাবনা আছে? আজকে কলিকাতা মুনিসিপাল্ বিল, যা আমাদের সামনে আছে, এই বিল পাশ কোরে দিলে, এবং সমর্থন কোরলে কি আমাদের কিছু সুবিধা হবে? কলিকাতা করপোরেশনে মুসলমানদের সুবিধা নাই, তপশিলভুক্ত জাতির বিশেষ কিছু সুবিধা নাই, কিন্তু এই বিল পাশ হলেই কি তাদের সকল অসুবিধা দূর হবে? এই কলিকাতা মুনিসিপাল বিল পাশ হোলে যারা নাকি নির্বাচিত হোয়ে সেখানে যাবে তার মধ্যে আমাদের মতন গরীব লোক থাকবে না বা থাকার সম্ভাবনা নাই। ঐসব লক্ষপতি, কোটিপতি, যাদের জনসাধারণের সঙ্গে কোন সম্পর্ক নাই, যারা নিজেরা হিন্দু হোক, মুসলমান বা খৃষ্টান হোক—স্বতন্ত্র একটা শ্রেণী তারা নাকি কেবল নিজেদের স্বার্থ এবং ভুরিভোজের ব্যবস্থা নিয়েই ব্যস্ত, যারা নাকি আমাদের কথা মনেও করেন না এবং করবার প্রবৃত্তিও নাকি যাদের নাই, সেই সব চাকার নবাব বাহাদুরের শ্রেণীর লোক, এই বিল পাশ হলে, করপোরেশনে গিয়ে মোড়লী কোরবেন। কিন্তু তাঁরা কি আমাদের দেশের এই যে কোটি কোটি দরিদ্র জনসাধারণ, তারা খেয়ে কিম্বা না খেয়ে দিন কাটায়, কারো বাড়ীতে হাঁড়ি চড়ে কি চড়ে না, কে কিরকম দুর্দশায় আছে, সে সব খবর কি তাঁরা নেবেন? এই যে অবস্থা আমরা আজ সৃষ্টি কোরতে যাচ্ছি, তাদ্বারা আমাদের নিজের পায়েই আমরা কুড়ুল মারছি। আজ আমাদের তপশিলভুক্ত ভায়েরা আনন্দিত হতে পারেন। কিন্তু তাদের ৭ জন মেম্বর সেখানে গিয়ে কি কোরবেন? ঐ লক্ষপতি এবং কোটিপতিদের ভিতর তাঁদের স্থান কোথায় হবে? যাদের সঙ্গে যোগিতা নিয়ে তারা যাবেন সে সব লোক যদি তাদের দলে ঠিকপথে পরিচালিত না করেন, তাহলে তারা সেখানে যেয়ে আমাদের সমাজের অপকারই কোরবেন। ধোরে নেওয়া গেল যে তাঁরা আমাদের সমাজের genuine representative হোয়েই সেখানে গেলেন। তখন আমাদের কোন দাবি উত্থাপন কোরলে অন্যান্য সবাই বোলে উঠবেন যে "তোমাদের নিজের লোক রয়েছে তাদের কাছে যাও।" মুসলমান কাউন্সিলারদের আমরা ভোট্ দিতে পারব না বলিয়া তাদের নিকট আমাদের কোনই কথা খাটবে না। মাঝখান থেকে আমাদের অবস্থা বর্তমানের চেয়ে আরো খারাপ হবে। সুতরাং যে system এর দ্বারা আমাদের খারাপ হওয়া ছাড়া আর কিছু আশা নাই তা থেকে একটা ভালো system, যার ফলে দরিদ্রের প্রতিনিধিরা সেখানে যেয়ে গরীবদের সুখসুবিধার ব্যবস্থা কোরতে পারে, সেই রকম একটা system evolve করবার জন্য এখানে যাঁরা দরিদ্র জনসাধারণের প্রতিনিধি তাঁদের কাছে আমি appeal কোরছি। আমি nationalism বা communalism এর কথা বোলছি না। তাদ্বারা অনেক সময় আমাদের গরীবদের ঠকিয়ে অপরের সুবিধা করা হয়। আজকে Islam is at stake বা Hindu Dharma is at stake এসব slogan এর ভিতর দিয়ে কেবল ধাপ্পা দেবার প্রবৃত্তি থাকে। আজ ইসলামের দোহাই দিয়ে যারা এখানে এসেছেন তারা দুর্ভিক্ষের সাহায্যের জন্য ইসলামী ভাইদের কটা টাকা দিতে পেরেছেন? দুর্ভিক্ষ পীড়িতদের সাহায্যের জন্য নিজেদের মোটা বেতন থেকে

কটা টাকা কম দিতে পেরেছেন? উপরন্তু তাঁরা নিজের আর একটু বড় aristocrat হবার আয়োজন কোরেছেন। কাজেই সমাজের ভিতর যে ব্যবস্থা——

(At this stage, the member having reached the time-limit, resumed his seat.)

Maulana MD. ABDUL AZIZ: Mr. Speaker Sir, আজকে এখানে Corporation এর ব্যাপার সম্বন্ধে অনেক কিছু কথা হয়েছে। আমাদের নবাব বাহাদুর যে বিল এনেছেন সেজন্য তাঁকে অনেক লোকে ধন্যবাদ দিয়েছে। আমাদের কংগ্রেসের ভাইগণের মত যে এক সঙ্গে নির্বাচন হলেই ভালো হয়। আমরা জাতিহিতার দিক দিয়ে সেটায় রাজি হোতে পারি কিন্তু একটা কথা আছে যে "ঘন্টা বাধিবে কে"? আমাদের হিন্দু ভ্রাতাগণের মধ্যে বর্ত্তমানে যে মনোবৃত্তির পরিচয় পাওয়া গিয়াছে,—বিশেষতঃ অন্যান্য দলকে ক্ষুব্ধ করবার জন্য তারা যে ভাব পোষণ কোরছেন—যদি কেহ সেই ভাব দূর করে দিতে পারেন, এবং হিন্দুগণ যে সব সুবিধা ভোগ কোরছেন সেইসব সুবিধা যদি আমাদের মুসলমানদেরও করে দেন তাহলে আমরাও মিশ্র নির্বাচনের পক্ষপাতি। কিন্তু ভাইদের সেই মনোভাব বদলের বিশ্বাস তো কিছু পাইতেছি না, এমন কি মাহাত্মা গান্ধির মতন লোক তিনিও ভাইদের মনোভাব পরিবর্ত্তন কোরতে পারলেন না। অনেক স্থলেই তারা যে মনোভাবের পরিচয় দিচ্ছে তাদ্বারা আমরা বুঝতে পারি যে তাদের মনোভাব পরিবর্ত্তন হবার নয়। সুতরাং আমার মতে শুধু কলিকাতা করপোরেশনে separate election হলে চোলবে না District Board, Union Board, Municipality সর্ব্বত্রই হতে হবে। নচেৎ তারা সব করে কি আমাদের গ্রাম দেশের যত সব নগন্য লোক তাদের দাঁড় করিয়ে ভোট দেয়, সমাজের যারা নাকি গন্যমান্য লোক তাদের ভোট্ দেয় না। সমাজের নগন্য লোকদের ভোট্ দিয়ে তাদের পোষাপাখী কোরে রাখে। সেইজন্য আমরা পৃথক নির্বাচনের জন্য এত দাবি কোরছি। সেজন্য আমাদের opposite side এর বন্ধুরা অনেক কথা বোলেছেন, এবং আমাদের সেই সকল মুসলমান বন্ধু যারা নাকি ভাগ্যচক্রে আমাদের বিরুদ্ধে যেয়ে বোসেছেন,—তাদের স্মরণ করিয়ে দিচ্ছি যে একটু গোড়ার কথা আলোচনা ক'রে দেখুন। আমাদের সব চেয়ে ভালো লোক যারা তাঁদের তারা আক্রমণ কোরেছেন। এটা করা কি ঠিক? তারপর বড় লোক সম্বন্ধেও কথা উঠেছে। ওদলের বসু মহাশয় কি বড় লোক নন? (From Congress Group . খুব বড় লোক নন, এবং জমিদার নন) আমাদের মধ্যে যারা বড় লোক তাদেরও নাম করা হোক, এবং ওদের নিজেদের মধ্যে যারা বড় লোক তাদেরও নাম করা হোক, তখন দেখা যাবে কোন দিকেই কম নাই। আমার শেষ কথা এই যে মিশ্রনির্বাচন যখন আমার বন্ধুরা চান, তখন আমি সেটা সমর্থন কোরতে রাজি আছি যদি তাদের মনের ভাব তারা পরিবর্ত্তন কোরতে পারেন তাহলেই সেটা সম্ভব হবে।

Mr. DEPUTY SPEAKER: Before I adjourn the House, I might as well inform the members that the business left over to-night will be continued to-morrow. So, there will be no discussion of non-official resolutions to-morrow.

Dr. NALINAKSHA SANYAL: May I submit, Sir, for your consideration that changes in the Order Paper at such short notice are not fair to the House. As a matter of fact, we have already had one non-official day cut out. If to-morrow is again taken away, a valuable privilege of the House will be jeopardized. I submit, Sir, that you will kindly consider this before you make any announcement.

Mr. DEPUTY SPEAKER: Dr. Sanyal, this has all been settled, and I cannot change the order of business.

Dr. NALINAKSHA SANYAL: I submit, Sir, that a non-official business day cannot be changed even by the Governor under the Rules. I can show you the relevant rule, which supports my contention. It is only the order of business in an official day that can be changed and not the non-official day. It is for you, Sir, to maintain the dignity of the House and to see that the business of the House is carried on according to the Rules.

Mr. Khwaja SHAHABUDDIN: Sir, I submit that you have already definitely decided that the business left over from to-day will be continued to-morrow; so Dr. Sanyal's point of order has no substance.

Dr. NALINAKSHA SANYAL: Sir, section 16 says

Mr. DEPUTY SPEAKER: I know that full well. When Mr. Speaker announced that this Bill would be taken up to-morrow and at 5-20 p.m. it would be finished, did you say anything at that time?

Dr. NALINAKSHA SANYAL: Mr. Speaker had not the Order Paper before him. The Speaker cannot possibly give any decision which is contrary to the rules. You and I know very well how anxious Mr. Speaker is to maintain the privilege of the House.

Mr. DEPUTY SPEAKER: Of course, everybody is anxious to maintain the dignity and privilege of the House. But when Mr. Speaker announced that this Bill would be taken up to-morrow, nobody said anything.

Dr. NALINAKSHA SANYAL: He said "provided" the Bill is not finished to-day. He had not the Order Paper before him.

Mr. DEPUTY SPEAKER: Yes, he had it. Anyway I can't do anything. I adjourn the House now.

Adjournment.

The Assembly was then adjourned till 4-45 p.m. on Tuesday, the 28th February, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 28th February, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 223 members.

STARRED QUESTIONS

(to which oral answers were given)

Number of registered contractors.

***84. Mr. FAZLUR RAHMAN (Mymensingh):** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing—

(*i*) the present number of registered contractors in the department; and

(*ii*) how many of them are Muhammadans?

(*b*) If the number of Muhammadan contractors are not proportionate to those of other communities, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Will the Hon'ble Minister be pleased to state the basis on which contracts are awarded?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the last two years the number of contracts awarded to the—

(*i*) Muhammadans,

(*ii*) Hindus, and

(*iii*) Europeans, respectively; and

(*iv*) the amount or value of the contracts given to each class?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*), (*b*) and (*d*) The information desired by the hon'ble member cannot be obtained without an undue expenditure of time, labour and money.

(*c*) Attention is invited to rule 181 of the Bengal Financial Rules, a copy of which is in the Library.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that capability is one of the most important considerations in award of contracts?

Mr. SPEAKER: How does this question arise?

Dr. NALINAKSHA SANYAL: Rule 181(*c*) of the Bengal Financial Rules has got reference to three conditions, namely, lowest tender, capability of the contractor and security offered. So it does arise.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The answer will be clear from the rule referred to.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether there is any register in which the names of contractors are entered in?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think that is so. I may also inform the House that we are revising those lists and when they are ready, matters will improve.

Maulvi ABDUL LATIF BISWAS: In view of the fact that this question was put in order to ascertain the proportionate number of contractors belonging to different communities, will the Hon'ble Minister be pleased to state whether he would consider the desirability of giving some time, labour, and spending some money in order to ascertain that fact?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think it is necessary at all because the old figures will serve no useful purpose.

Union Boards within Beldanga police-station, Murshidabad.

***85. Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay a statement on the table showing—

(*i*) the name and number of each of the wards in the Beldanga union within the Beldanga police-station of the Sadar subdivision in the district of Murshidabad;

(*ii*) the number of holdings in the assessment list of each ward;

(*iii*) the rates realisable in respect of each ward; and

(*iv*) the number of elected members representing each of these wards?

(*b*) Have there been applications before the authorities complaining that Ward No. 1 (Beldanga proper) has been inadequately represented considering the number of holdings it contains and the amount of annual rate it bears?

(*c*) If the answer to (*b*) is in the affirmative, what has been the effect of the said applications?

MINISTER in charge of the LOCAL SELF-GOVERNMENT and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) A statement is laid on the table.

(*b*) Yes.

(*c*) A careful enquiry was made into the matter by the Sadar Subdivisional Officer and the Circle Officer, Berhampore, and they were of opinion that no change in the present allotment of seats was necessary.

Statement referred to in the reply to clause (a) to starred question No. 85.

Ward number.	Mauza	Number of holdings.	Rates realisable.	Number of members elected.
			Rs a.	
I	Beldanga ..	774	2,553 2	2
II ..	Barua Debkunda Madda	905	1,115 15	2
III ..	Hareknagar Bishannagar Sarulia	943	499 15	2

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the distribution of seats has been made on population basis?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister——

Mr. SPEAKER: Next.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I draw your attention to the fact that it is one of the valuable privileges of the members of the House to put supplementary questions when the information given is not sufficient for the purpose. I submit that although you may be accommodating to the Government —

Mr. SPEAKER: Order, order. Will you withdraw that expression?

Dr. NALINAKSHA SANYAL: What expression, Sir?

Mr. SPEAKER: The expression that you used just now.

Dr. NALINAKSHA SANYAL: We only claim our rights, and I meant no reflection on the Chair.

(Shouts of "withdraw", "withdraw" from Coalition Benches.)

Mr. SPEAKER: "Accommodating to the Government" is an expression which is a reflection on the Chair. Will you withdraw it?

Dr. NALINAKSHA SANYAL: Alright, Sir, I withdraw but I wait for facts. I submit, Sir, that so long as the one-hour time-limit for questions is not exhausted, you will not be pleased to pass on to another question when a member is on his legs in order to put a supplementary question.

Mr. SPEAKER: I am following the same procedure. I cannot allow a number of supplementary questions unless they are of sufficient importance.

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir. I beg to enquire whether a member can be asked to withdraw an expression before he has completed his sentence?

Mr. SPEAKER: That is not a point of order.

Absorption of unemployed Kanungos.

*86. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that the Government have issued a letter declaring to absorb the Kanungos who will be unemployed in consequence of the postponement of the revisional survey and settlement operation?

(*b*) If the answer to (*a*) is in the affirmative, how many of the unemployed Kanungos have been absorbed and in which departments?

(*c*) Is it a fact that retired Government servants and pension-holders have been appointed in the Court of Wards and in the Co-operative Credit and Rural Indebtedness Department and in the Bengal Legislative Department?

(*d*) If the reply to (*c*) is in the affirmative, do the Government consider it desirable to give employment to the young unemployed and to those unemployed Kanungos who have not attained the age of retirement in preference to pension-holders?

(*e*) What are the reason or reasons for employing retired servants and pension-holders when innumerable young men of the province are unemployed?

(*f*) Will the Hon'ble Minister be pleased to state the number of retired servants and pension-holders employed at present in the different departments of the Government, viz., in Khas Mahal, Court of Wards, Co-operative Credit and Rural Indebtedness, and Legislative Departments?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Government have not issued any letter declaring the absorption of discharged Settlement Kanungos, but has however addressed all departments with a view to finding employment for as many Kanungos as possible

(*b*) Five Kanungos only have so far been discharged, who have all been re-employed in temporary posts as shown in the statement laid on the Library table

(*c*) Yes, but in the Court of Wards and Co-operative Credit and Rural Indebtedness Department only

(*d*) and (*e*) In a number of posts, ability, proved character and long experience are essential qualifications which cannot be had from the unemployed Kanungos nor would young men be suitable for posts which necessitated the re-employment of certain retired officers. Subject to this limitation, suitable young unemployed men are recruited in posts in both these departments.

(*f*) One under the Court of Wards and four under the Co-operative Credit and Rural Indebtedness Department.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to enlighten us as to the posts in which ability, approved character and long experience are essential in Court of Wards and Co-operative Credit and Rural Indebtedness Department?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as posts under Court of Wards are concerned the Managers of estates under the Court of Wards Regarding Credit and Rural Indebtedness Department, although it is not in my charge, I believe, Special Officers of Debt Settlement Boards come under that category.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister

Mr. SPEAKER: Next

Dr. NALINAKSHA SANYAL: Here is another instance in which a member is deprived of his right of putting supplementary questions

Mr. SPEAKER: I have to exercise my discretion as to whether a supplementary question directly arises or not I have to see the nature and proportion of the supplementary questions which are put.

Dr. NALINAKSHA SANYAL: Sir, may we know under what rule you disallowed this supplementary question?

Mr. SPEAKER: It is in my discretion

Dr. NALINAKSHA SANYAL: Is it under your discretionary rules? Is there any rule like that?

Mr. SPEAKER: You can find that out yourself

Breaches of the Gumti embankment at Tippera.

87. Mr. MAQBUL HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(i) the number of breaches of the Gumti embankment that took place in the last rainy season in the district of Tippera;

(ii) how long do the breaches continue;

(iii) what are the approximate amount of damages caused by the breaches to the surrounding area;

(*iv*) what action, if any, did the Government take to stop the breaches; and

(*v*) what kind of relief, if any, was given to the affected area?

(*b*) Is the Hon'ble Minister aware that breaches of the Gumti embankment and the suffering of the public thereof take place almost every year?

(*c*) Do the Government contemplate to take any preventive measure to stop the breaches of the Gumti embankment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) There were 5 breaches in all in the Gumti embankment, of which only one occurred in the portion maintained by Government.

(*ii*) The breach in the Government portion took place on the 24th September, 1938, and the 28th September, 1938, and was closed on the 4th October, 1938. Of the breaches in other portions, that at Sripur which took place on the 29th June was filled in apparently shortly afterwards by the local people with assistance rendered them in the way of supplying sand bags and some technical advice and supervision paid for from charitable funds. I have no information as to how long the other breaches remained open.

(*iii*) About Rs 80,000

(*iv*) The ends of the breach at Banasua in the Government portion were protected by constructing a ring bund as well as by means of bamboo piling, sand, etc., by the Irrigation Branch.

(*v*) Agricultural loans

(*b*) Yes, in the portion not maintained by Government

(*c*) Measures to stop the occurrence of breaches are under consideration. The question is one of great difficulty and care will have to be taken to ensure that any work done does not merely transfer flooding from one area to another, or prove ultimately to be prejudicial to public health and agriculture

Mr. DHIRENDRA NATH DATTA: With reference to answer (*b*), will the Hon'ble Minister be pleased to state if Government would consider the desirability of maintaining that portion of the embankment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have said, it is a complicated matter and we are examining the proposal.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*a*) (*v*), will the Hon'ble Minister be pleased to state what is the amount of the agricultural loan?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid, I want notice

Dr. NALINAKSHA SANYAL: With reference to the answer just now given to the supplementary question, will the Hon'ble Minister be pleased to state what is the authority he has employed to make this investigation?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is the department.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the department is already so much overworked that they have no extra men to enquire into special problems like this?

Mr. SPEAKER: That question does not arise

Mr. DHIRENDRA NATH DATTA: With reference to answer (*c*), will the Hon'ble Minister be pleased to state how long "the measures to stop the occurrence" are under the consideration of Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The question is a complicated one and that is why it was not possible for a number of years to come to a decision So far as the present Government are concerned, we ordered an immediate survey for providing for two escapes, but we found out that that would not give sufficient relief On the other hand, that might only divert the flooding from that area to another area We are now considering all the pros and cons in some detail and it is very difficult to say how long it would take to come to a decision

Appointments in Jessore Collectorate.

*88. **Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) how many appointments have been made in the ministerial staff of the Collectorate of Jessore, in the different grades, in 1938;

(*b*) how many of such appointments are—

(*i*) by direct recruitment, and

(*ii*) by promotions;

(*c*) how many of these appointments have gone to the inhabitants of the different subdivisions of the district; and

(*d*) how many of them are—

(*i*) Caste Hindus,

(*ii*) Scheduled Castes, and

(*iii*) Muslims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY:—

(*a*) Upper Division	...	2
Sub-grade	...	11
Total		13

(*b*) (*i*) and (*ii*) 13, of whom 2 by promotion and 9 by direct recruitment.

(*c*) The 11 new appointments have gone to the different subdivisions as noted below—

Sadar	7
Jhenidah	2
Narail	1
Magura	1
Total	11

	Upper Division.	Sub-grade.
(*d*) (*i*) Caste Hindus ..	1	6
(*ii*) Scheduled Castes .	Nil	1 (Minority community.)
(*iii*) Muslims ..	1	4
Total .	2	11
	13	

Dr. NALINAKSHA SANYAL: We want to hear the reply. It is our privilege to hear the reply

Mr. SPEAKER: No Dr. Sanyal, if it is your intention unnecessarily to waste the time of the House, I am quite prepared to sit up to a late hour. I am rather sorry to see that you want

Dr. NALINAKSHA SANYAL: You have no business to reflect on my conduct

Mr. SPEAKER: Will you withdraw this expression?

Dr. NALINAKSHA SANYAL: Withdraw what?

Mr. SPEAKER: Withdraw the expression you used

Dr. NALINAKSHA SANYAL: If you reflect on my conduct, I think I have as much right to protect myself

Mr. SPEAKER: May I ask the Leader of the Opposition whether this practice "of being taken as read when mere statistics are given in the answer" is to be followed If that practice is not desired and the Leader of the Opposition desires it to be changed, I shall be very glad to change it But surely a statement on this point cannot be taken from one sitting behind the Leader of the Opposition I request the Leader of the Opposition to see that the expression which one of his members used is withdrawn

Mr. SARAT CHANDRA BOSE: Mr Speaker, I am sorry that when the answers were being given I did not quite follow them

Mr. SPEAKER: The answer contains mere statistics and I said that that answer may be taken as read as has been done on many occasions If that practice is to be changed, I am quite prepared to do that On that Dr. Sanyal used an expression which I desire, should be withdrawn It was an expression reflecting on the conduct of the Speaker

Mr. SARAT CHANDRA BOSE: I feel bound to say, Sir, that this afternoon I have been noticing that proper opportunities are not being given to members to put supplementary questions

As regards the expression used by Dr Sanyal I personally regret it, but at the same time, Sir, I must, as the Leader of the Opposition, protest against any observations reflecting on the conduct of any member of this House

Mr. SPEAKER: Will you ask him to withdraw?

Mr. SARAT CHANDRA BOSE: I have done so myself.

Mr. SPEAKER: Dr. Sanyal, you must withdraw.

Dr. NALINAKSHA SANYAL: In obedience to the desire of my Leader, I withdraw the expression, but which expression I do not know stuck to the throat of the Speaker.

Mr. SPEAKER: Mr. Bose, do you want that answers in which statistical materials are only given should be read out?

Mr. SARAT CHANDRA BOSE: I do and for this reason that answer papers are given just a few minutes before the actual sitting.

As regards one other matter, Sir, I expected that you yourself would not adhere to the observation you made regarding a member obstructing the business of this House

Mr. M. A. H. ISPAHANI: May I enquire what Mr Sanyal meant by the expression "stuck to your throat"; I do not understand it.

Mr. SPEAKER: Order, order

Mr. M. A. H. ISPAHANI: I stand on a point of order, whether it is

Mr. SPEAKER: Will you please sit down? If there were any expression to which you could draw my attention then and there, I would have immediately stopped it I am not going to take any notice of that now. I did not clearly hear his expression

Mr. MONMOHAN DAS: With reference to answer (*d*), will the Hon'ble Minister be pleased to state why no recruitment has been made from the scheduled castes?

The Hon'ble SIR BIJOY PRASAD SINGH ROY: Because the Upper Division clerks are not recruited direct; they are appointed by promotion.

Mr. RASIK LAL BISWAS: আমি জিজ্ঞাসা করেছি যে sub-grade এ ও যে schedule castes থেকে কাউকে গ্রহণকরা হয় নাই তার কারণ কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: For the purpose of recruitment the rule as it stands up till now makes no distinction between scheduled castes and minority communities.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state the reasons for introducing this new system of sub-grade in the Collectorate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Does that question arise out of this?

Mr. SPEAKER: What is your question?

Mr. MANMOHAN DAS: My question is that a new system of sub-grade has been introduced in the Collectorate and I ask the Hon'ble Minister what is the reason for this introduction. Hitherto there has been only one grade, viz., the lower grade, but now another system of sub-grade has been introduced. I ask for the reasons?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what did he mean by minority communities in plural?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: There are many.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how many?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: More than one.

Allegations against Government of India Press, Calcutta.

*23. **Mr. A. M. A. ZAMAN:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that the authority in charge of the Government of India Press situated at 8, Hastings Street, Calcutta, has violated the Wages Act?

(*b*) Is it a fact that the Assistant Labour Commissioner has received a letter, dated the 22nd November, 1938, from the Assistant Secretary of the Press Employees' Association (a registered body) against the said authority?

(*c*) If the reply to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the said letter?

(*d*) Will the Hon'ble Minister be pleased to state what action, if any, has been taken or is being taken on the said letter?

(*e*) If no action has been taken, what are the reasons?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No; Government are not aware of any violation of the provisions of the Payment of Wages Act in the Government of India Press save in one instance due to a mistake in calculating the amount of fine.

(*b*) Yes.

(*c*) A copy of the Press Employees' Association's letter, dated the 22nd November, 1938, is laid on the Library table.

(*d*) The complaints were investigated and found to be based on a misunderstanding of the law.

(*e*) Does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), will the Hon'ble Minister be pleased to state what action has been taken on this mistake committed in the amount of wages paid?

The Hon'ble Mr. H. S. SUHRAWARDY: So far as we are concerned, the complaints were investigated and we brought it to the notice of the Press that they were mistaken and that such mistakes should not recur in future

Ferry boats in Jessore.

***90. Mr. A. M. A. ZAMAN:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware-

(*i*) that the ferry boats of Naldi of district Jessore, police-station Lohagara, are used always in bad condition; and

(*ii*) that the ferry boats of Naldi sank twice in the middle of the river Nabaganga on the 10th and 19th October, 1938?

(*b*) If the reply to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken to stop its recurrence?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) I am informed that the old ferry boat has recently been replaced.

(*ii*) I presume that the honourable member is satisfied that his information is correct. I do not propose to make further inquiries.

(*b*) The District Board will be asked to enforce precautionary measures.

Chandina Committee.

*91. **Mr. FAZLUR RAHMAN (Mymensingh):** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the date of publication of the Chandina Committee; and

(*ii*) whether the Committee ever sat from the date of publication up till now?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state whether Government contemplate taking steps so that the Committee may finish their labours during the term of the present Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) 2nd August, 1938.

(*ii*) Yes.

(*b*) Does not arise

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what was the last date for submitting the report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think there is any last date for submitting the report

Maulvi ABDUL LATIF BISWAS: With reference to answer (*ii*), will the Hon'ble Minister be pleased to state how many times the committee sat?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Twice, I believe.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is desirable to fix a date for the submission of the report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not possible to give a definite date in a matter like this.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state by what time Government expect this committee to submit their report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It depends on th members of the committee. It is a committee on which there ar members of this House and Government cannot coerce them to submi their report within a particular date.

Mr. ABDUL LATIF BISWAS: With reference to answer (*a*) (*ii*) will the Hon'ble Minister be pleased to state what was the date whe this committee sat last?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afrai I must ask for notice.

Mr. RASIK LAL BISWAS:

মন্ত্রীমহাশয় দয়া করে বলবেন কি যে এই কমিটির কাজ কমিটির মেম্বরদের ইচ্ছা অনুযায়ী চালাতে দেওয়া হয় না কেন?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that is an allegation which I entirely repudiate.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that this committee is not one of the committees under the rules of the Assembly and as such cannot be termed a committee of the House which he has just now mentioned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I meant the members of the House.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if all the members of the committee are members of this House? If not, will he be pleased to explain what he meant by "a committee of this House"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the majority of the members of the committee are members of this House.

Dr. NALINAKSHA SANYAL: Majority is not the thing.

Mr. RASIK LAL BISWAS:

মন্ত্রীমহাশয় দয়া করে বলবেন কি, এই যে কমিটি, এ প্রায় নয় মাস ধরে চলেছে, হয়েছে, এবং এর মধ্যে মাত্র দুটী মিটিং হয়েছে, এবং বেশী মিটিং কেন হচ্ছে না?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, so far as I understand certain informations have been asked for by the members of the committee and they are being collected.

Insufficiency of food in Chandibarpur Union Board and police-station Narail, Jessore.

92. Mr. A. M. A. ZAMAN: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that in the Chandibarpur Union Board in the district of Jessore and police-station Narail all crops have been destroyed by flood;

(*ii*) that the people of the aforesaid Union Board are in distress;

(*iii*) that their landlords have not yet been able to pay off their revenue to the Government;

(*iv*) that Government officials are pressing the villagers for the collection of revenue;

(*v*) that pressure is being used for the collection of Union Board taxes; and

(*vi*) that the villagers of Sankarpur under the jurisdiction of Narail police-station, district Jessore, and Chandibarpur Union Board submitted a joint petition to the Hon'ble Premier in the month of October last, 1938, against the revenue collecting officers?

(*b*) If the reply to (*a*) (*vi*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the said memorial?

(*c*) Will the Hon'ble Minister be pleased to state what action has been taken or is being taken in the matter?

(*d*) If no action is taken, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) The extent of damage is estimated at 50 per cent. only.

(*ii*) Yes, but not to the same extent as in many other unions in the subdivision.

(*iii*) to (*vi*) No.

(*b*) to (*d*) Do not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what is the amount of agricultural loan that was granted to that area and what is the amount granted per capita in that area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. RASIK LAL BISWAS:

এই area তে কবার টাকা distribute করা হয়েছে, এবং কত টাকাই বা distribute করা হয়েছে মন্ত্রীমহাশয় দয়া কোরে বলবেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that question does not arise out of this question.

Sluice gate on the Dhariakhali khal in Satkhira.

***93. Mr. PATIRAM ROY:** (*a*) With reference to the answer to clauses (*b*) and (*c*) of starred question No. 116 delivered in the Assembly on the 19th August, 1938, that "a sluice gate would, no doubt, prove of immediate benefit to the area", is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the two living rivers Kapataksha and Betna are flowing by the two sides of the area; and

(*ii*) that it is likely to be a check against apprehensions that a sluice gate at the outfall of the Dhariakhali *khal* would deteriorate the climate of the area?

(*b*) If the answer to (*a*) is in the affirmative, what step, if any, do the Government contemplate taking to save this area from recurring failure of crops?

(*c*) Is the Hon'ble Minister aware that the Dhariakhali *khal* remains dry for more than six months every year?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of excavating the *khal*?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(*a*) (*i*) Yes.

(*ii*) I do not think so.

(*b*) Does not arise.

(*c*) Yes, so long as the cross bund which is erected across the *khal* to prevent the ingress of saline water during the dry season remains in position.

(*d*) No.

Gun licensees in Jessore.

***94. Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the years 1937 and 1938—

(*i*) the number of applications made to the District Magistrate of Jessore for new gun licence;

(*ii*) the number of applications rejected; and

(*iii*) the grounds for rejection of each application?

(*b*) Are the Government considering the desirability of granting gun licences more liberally for sporting purposes?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) A statement is laid on the Library table.

(*iii*) Compilation of the information would involve such an expenditure of time, labour and money that I am not prepared to supply it.

(*b*) It is already the policy of Government to grant gun licences for sporting purposes on a liberal scale.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*b*), will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government will be liberal enough to grant gun licences to every willing member of this House?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: I beg to submit, that the reply to (*b*) is "it is already the policy of Government to grant gun licences for sporting purposes on a liberal scale." Now I am questioning that question of liberality. Will the Government be liberal enough to grant a gun licence to each member of this House?

The Hon'ble Mr. H. S. SUHRAWARDY: Are you a sport?

Mr. ATUL KRISHNA GHOSE: Yes, I am a sportsman as much as you. I want to know whether the Hon'ble Minister is willing to grant a gun license to every member of this House. If he says "no", the House will know how liberal the policy is. If he says "yes", to-morrow he will receive a number of applications from members.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that during the time of issuing gun licences the District Magistrates require contributions to the Silver Jubilee Fund and several other funds?

Mr. SPEAKER: How does that question arise?

Dr. NALINAKSHA SANYAL: It arises, Sir, I submit out of the reply regarding the rejection of applications. I submit that one of the grounds for the rejection has been that the applicant has not satisfied the Magistrate about his contributions towards certain of these funds.

Mr. SPEAKER: It is not stated there.

Dr. NALINAKSHA SANYAL: I am putting the question for the purpose of eliciting further information.

Mr. SPEAKER: I am sorry under the rules it must specifically arise out of the question.

Dr. NALINAKSHA SANYAL: I am asking the Hon'ble Minister if he is aware that one of the grounds for rejection is the contributions to the funds. If he is not, let him say "no".

Rai HARENDRA NATH CHAUDHURI: The grounds for rejection have been withheld.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry I cannot help that.

Dr. NALINAKSHA SANYAL: That is why I am putting these questions.

Mr. SPEAKER: I am sorry I cannot allow that.

The Hon'ble Khwaja Sir NAZIMUDDIN: Grounds have not been withheld.

Mr. RASIK LAL BISWAS:

মন্ত্রীমহাশয় কি জানেন যে এই liberality করার মানে কি এই যে, যেরকম liberal ভাবে ম্যাজিস্ট্রেট fund এ টাকা দিতে বলেন সেভাবে টাকা না দেওয়ায় ম্যাজিস্ট্রেট liberality মনে করেন না?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: The Hon'ble the Home Minister stated that the grounds have been stated but not elaborated. Now, may I ask the Hon'ble Minister to state whether there has been any case of rejection on the ground that the applicant has not satisfied the District Magistrate about the contributions?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Question 94 asks the grounds for the rejection of each application. And, therefore, I am entitled to ask the Minister to let this House know whether any application has been rejected on the ground that the applicant has not been able to satisfy the District Magistrate as to his contributions towards the funds?

Mr. SPEAKER: Yes, you are speaking of Jessore, are you?

Mr. SURENDRA NATH BISWAS: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member will bring forward any specific case, I am ready to answer that. This is merely fishing for information in the dark. That is not fair.

Mr. SPEAKER: It is not that. He has asked a question as to what are the grounds for the rejection in each case? Now, you say "a statement is laid on the library table" and therefore arising out of that, he wants to know whether there has been any single case of rejection.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to draw your attention to my answer to (*i*) and (*ii*). That is about the number of applications made and the number rejected. As regards (*iii*), compilation of the information——

Rai HARENDRA NATH CHAUDHURI: You have not given the grounds. The answer is too vague.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware of the grounds for the rejection of those applications?

Mr. SPEAKER: I did not see earlier that the grounds of rejection had not been given. So the supplementary questions are in order.

Dr. NALINAKSHA SANYAL: May I repeat my question, Sir? My question was: was the Hon'ble Minister aware that in a number of cases the rejections had been on the ground that the contributions of the applicants to the Silver Jubilee Fund and several other funds maintained at the instance of the District authorities were not satisfactory?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that, Sir.

Criminal and communal cases in increase in Rajshahi.

***95. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that the number of cases of criminal and communal nature is gradually increasing in the district of Rajshahi?

(*b*) If the answer to (*a*) is in the affirmative, will he be pleased t state what measure, if any, do the Government propose to take in th matter?

(*c*) Will the Hon'ble Minister be pleased to furnish a comparativ statement showing the number of such cases of the district with thei places of occurrence during the time of the present Superintendent c Police and his immediate predecessor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The figures do no support this theory.

(*b*) Does not arise.

(*c*) A statement is laid on the table.

Statement referred to in the reply to clause (c) to starred question No. 95, showing the number of cases of criminal and communal nature in the distri of Rajshahi during the last five years.

Year.	Total number of cognizable crime reported.	Number of offences of communal type (accepting the standard as laid down in Chapter XV of the Indian Penal Code—Offences against religion) with places of their occurrence.
1	2	3
1934 ..	1,981	Nil.
1935 ..	2,073	Four cases (one in post office Shahebbazar police station Boalia; one in Khord gobindapur, police-station Charghat; on in post office Bausa, police-station Char ghat; and one in post office Chanda police-station Bariagram).
*1936 ..	2,011	One case in post office Sepaipara, police station Boalia.
*1937 ..	1,964	One case in post office Geol, police-statio Badalgachhi.
*1938 ..	2,226	Nil.

*The present Superintendent of Police is in charge of the district sinc 29th April, 1936.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be surprised to hear from me, the representative of the Rajshahi Division municipalities, that there is no post office as Sepaipara in Rajshahi town? Apparently the information given is wrong.

(No answer.)

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state what community the accused in 1936 cases belong to?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Proposal for a medical school at Berhampore, Murshidabad.

*88. **Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware—

(*i*) that in the past there was a proposal and project for starting a medical school at Berhampore in the district of Murshidabad;

(*ii*) if so, how the matter now stands with the Government;

(*iii*) that the hospital at Berhampore is one of the big hospitals in the mufassal of Bengal with equipments on modern lines; and

(*iv*) that this hospital is capable of giving a helpful start for such a school?

(*b*) What is the number and description of the various wards and clinics and other departments and annexe and the total number of beds of the said hospital?

(*c*) Are the Government considering the desirability of—

(*i*) utilising the building in front of the hospital where the present jail is situated, for the needs and requirements of such a school; and

(*ii*) using the old Lunatic Asylum buildings recently used as Detention Camps, as a jail?

(*d*) (*i*) What are the difficulties, if any, in the way of the establishment of such a medical school at Berhampore; and (*ii*) what are the solutions thereto?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) and (*d*) A scheme for the establishment of a medical school at Berhampore with

the Sadar Hospital as centre for clinical training was under the consideration of Government but had to be abandoned in 1930 as sufficient local contribution towards it was not forthcoming.

The whole position with regard to medical education has greatly changed since 1930 and the urgent need now is for improvement in licentiate training and for raising the standard in the nine existing medical schools in the province and not for an increase in the number of medical schools.

This province has already a much larger number of medical schools for licentiate training than any other province in India. The Director-General, Indian Medical Service, as well as the Bengal Council of Medical Registration have pointed out the immediate necessity not only of a substantial addition to the teaching staff and the equipments of the existing schools but also of improvement in the standard of licentiate training generally and the All-India Conference on Medical School Education, which was recently held at Delhi, also adopted resolutions to that effect. The Bengal Council of Medical Registration has, in fact, threatened to disaffiliate these institutions unless their standards are substantially improved and their teaching staff and equipments considerably enlarged. These improvements will involve very heavy capital and recurring expenditure and it is obvious that until the existing schools have been brought to the requisite standard it will be premature to consider the question of making any addition to the number of institutions for licentiate training in the province.

(*b*) In view of the position explained above, the information would not seem to be necessary. If however, the honourable member presses for the information, I shall supply it later.

(*c*) No.

Mr. SASANKA SEKHAR SANYAL: May I be permitted, Sir, to say that I do press for the information?

Cultivation of staple cotton in Bengal.

*97. **Mr. DHIRENDRA NATH DATTA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Departments aware that the cultivation of long-staple cotton is a crying need of the province?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, have the Government taken in that direction?

(*c*) Is the Hon'ble Minister aware—

(i) that the short-staple cotton grows in abundance in the Tippera Hills; and

(ii) that the soil in some parts of the district of Tippera, especially in the Chouddagram thana in the district of Tippera, is suited for the growth of long-staple cotton?

(*d*). Are the Government considering the desirability of taking immediate steps for the growth of long-staple cotton in the province of Bengal?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) and (*b*) The department has, in conjunction with the Bengal Mill-owners' Association, already started trial demonstrations under cultivators' conditions in fairly large areas to determine how far the cultivation of long-staple cotton can be made profitable in this province.

Action will be taken in accordance with the results of these trials which are not yet complete.

(*c*) (*i*) Yes.

(*ii*) I shall be in a position to answer this question when the experiments referred to above are complete.

(*d*) As I have stated, Government have already taken steps to find out if long-staple cotton can be profitably grown in Bengal.

Babu NARENDRA NARAYAN CHAKRABARTY:

মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে জানাবেন কি যে বাংলা দেশের কোন কোন জেলায় দীর্ঘ আঁসযুক্ত তুলো চাষের ব্যবস্থা করা হয়েছে?

The Hon'ble Mr. TAMIZUDDIN KHAN: In the high land tracts of Chittagong district, North Sadar subdivision of Dacca near about Kapasia which was once very important for cotton cultivation, Naogaon subdivision in Rajshahi district, Bankura, Midnapore and Murshidabad.

Babu NARENDRA NARAYAN CHAKRABARTY:

মন্ত্রীমহাশয় দয়া কোরে জানাবেন কি এতঘাটা যে এইরকম তুলো চাষের দ্বারা তারা যে সুফল দেখতে পাচ্ছেন, তাতে কি বাংলার বিভিন্ন প্রান্তেও এই সুফল পাওয়া যেতে পারে?

The Hon'ble Mr. TAMIZUDDIN KHAN: The experiment commenced only in 1938, and we have not yet obtained any results.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state how much money has been contributed by the Indian Central Cotton Committee for this experiment?

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state when the experiment will be completed?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a five-year scheme.

Mr. DHIRENDRA NATH DATTA: In view of the fact that demonstration has been started in Chuaddagram thana in the district of Tippera, will the Hon'ble Minister be pleased to state how it is impossible for him to answer this question until the experiments referred to are complete?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I think my friend is correct that regarding Chauddagram it will not be possible to come to any definite conclusion from the experiments started in other districts.

Mr. DEBENDRA LALL KHAN: Will the Hon'ble Minister be pleased to state whether the Government Agriculture Department give facilities to non-official members regarding the cultivation of long staple cotton if they like to do so?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, if non-official agencies or individuals come forward for grant.

Mr. DEBENDRA LALL KHAN: Will the Hon'ble Minister be pleased to note that though I repeatedly urged the local Agricultural Officer for good seeds, he could not supply the seeds to me.

The Hon'ble Mr. TAMIZUDDIN KHAN: I have no information Sir.

Babu NARENDRA NARAYAN CHAKRABARTY:

বাংলাদেশের কাপড়ের কলগুয়ালা ছাড়া অন্য কোন সমিতি কর্তৃক এই দীর্ঘ আঁসযুক্ত তুলে চাষের সাহায্য করা হয়েছে কি না?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Appointment of Secretary, Industrial Survey Committee.

***93. Mr. ABDUL WAHAB KHAN:** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to lay on the table a statement showing—

(i) the salary,

(ii) the date of appointment,

(*iii*) the terms and conditions of appointment, if any,

(*iv*) name, and

(*v*) the appointing authority,

of the Secretary of the Industrial Survey Committee?

(*b*) Is he a member of the Bengal Civil Service or the Indian Civil Service?

(*c*) Was he holding any post under the Government at the time of his appointment?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for his appointment?

(*e*) Was the post advertised?

(*f*) What past experience, if any, has the Secretary had?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) A statement is laid on the table.

(*b*), (*c*) and (*e*) No.

(*d*) Government considered him to be eminently fitted for this work.

(*f*) He was Secretary to the Bengal National Chamber of Commerce and, in that capacity, acquired considerable experience in the trade, industry and commerce of this province

Statement referred to in the reply to clause (*a*) *to starred question No. 98.*

(*i*) *Salary*—Rs. 500 per mensem.

(*ii*) *Date of appointment*—Afternoon of the 22nd November, 1938.

(*iii*) *Terms and conditions of the appointment*—The Secretary will draw travelling allowance at first class rates for journeys in connection with the work of the Committee No other condition is attached to the post.

(*iv*) *Name*—Mr. J. N. Sen Gupta.

(*v*) *Appointing authority*—Government

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if it is a fact that Government officers drawing less than Rs. 750 are entitled to second class travelling allowance?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Admission into Belgachia Veterinary College.

*99. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Department aware—

(*i*) that the last date of the first admission into the Veterinary College, Belgachia, is the 1st June of every year;

(*ii*) that the results of the Matriculation Examination is generally out either in the last week of May or in the month of June;

(*iii*) that the results of I.A., I.Sc., B.A. and B.Sc. Examinations are generally out in the month of June; and

(*iv*) that the results being out at a later period and the time-limit for admission being earlier, the boys intending to seek admission, lose a year?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of changing the last date for seeking admission into the college from the 1st June to the 1st July?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) Yes.

(*ii*) and (*iii*) The results of the Matriculation, I.A. and I.Sc. Examinations are generally out by the first or second week of June.

(*iv*) and (*b*) The candidates for admission are admitted on the production of their "admit cards" in the University Examinations and if the required number of candidates are not forthcoming on the 1st June, candidates appearing up to the end of June are admitted until the required number of students have been obtained. I am however considering the question of suitably changing the last date of admission in consultation with the Principal.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Election of Rangpur Municipality.

37. Babu KSHETRA NATH SINGHA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the term of the present Municipality of Rangpur expired in March, 1936?

(*b*) If so, has the term been extended?

(c) Is it a fact that the publication of the names of commissioners including nominated commissioners have been held back for the last four months?

(d) Is it also a fact that in some Municipalities of the Rangpur district publication of names has been held over a year?

(e) Are the Government considering the desirability of expediting matters?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) The four-year term of office of the commissioners of the Rangpur Municipality expired in July, 1938.

(b) The term was extended till the 31st October, 1938.

(c) and (d) No.

(e) The matter is being expedited as much as possible.

Mr. ATUL CHANDRA GHOSE: With reference to the reply to (c) as to whether the publication of the names of Commissioners including nominated Commissioners for the last four months, the Hon'ble Minister says 'No', but in reply to question (e), viz., are the Government considering the desirability of expediting matters, he says that the matter is being expedited as much as possible. Will the Hon'ble Minister please explain this anomaly? If no names have been held back, then wherefrom the question of expediting the matter arises?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I think Sir, the answers are sufficiently clear. In reply to the question whether the publication of the names of Commissioners have been held back, I have replied 'No', but I have been trying to expedite the matter in regard to the election.

Silting up of the Ichhamati.

38. Babu NARENDRA NARAYAN CHAKRABARTY: (a) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(i) that the river Ichhamati has been altogether silted up;

(ii) that a number of places of business such as Berr, Sainthia, Ataikula, etc., have been affected; and

(iii) that the villages on both sides of the river have been suffering from scarcity of water, spread of malaria, cholera and other epidemic diseases?

(b) Will the Hon'ble Minister be pleased to state whether there is any proposal before the Government for resuscitation of the said river in the near future?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) The river has been gradually deteriorating for many years. There is a flow of water during the floods only.

(*ii*) I am informed that Bera has not been much affected but that Sainthia and Ataikula have been.

(*iii*) The silting up of the channel is believed to be responsible for some deterioration in the condition of public health in the locality.

(*b*) No. The cost of effective dredging or silt-clearance of the river to keep water flowing in it throughout the year would be prohibitive.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether he is in a position to give the estimated cost necessary for the purpose of resuscitation of the river?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state by whom he was informed that Bera has not been affected?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: By local officers.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister please take care to ascertain the truth of this inasmuch as a categorical question has been put by a member of this Assembly?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I point out, Sir, that my answer was: "Bera has not been much affected." The honourable member is omitting the word "much".

Babu NARENDRA NARAYAN CHAKRABARTY:

মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ করে জানাবেন যে এই বেরা এবং আতাইকোলার মধ্যে অবস্থার শোচনীয়তার যে বহু তারতম্য আছে সে বিষয়ে তিনি কিছু অবগত আছেন কি না?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is not a question of degree but it is a question of general knowledge.

Babu NARENDRA NARAYAN CHAKRABARTY: On a point of explanation, Sir.

মাননীয় মন্ত্রীমহাশয়কে আমি কি কোরে বোঝাবো ভেবে পাচ্ছি না।

সভাপতি মহাশয়, একটা কথা নিবেদন কোরতে চাইছি। আমাদের কাছে এই প্রশ্ন ছাড়া, এইরকম সব সংবাদ তাঁদের চোখের সম্মুখে যোরে তোলার আর কোন উপায় নাই।

Mr. SPEAKER: I have every sympathy with you because I myself suffered when I went to Bera.

Excavation of the canal Baiguni and Hangal khal in Chittagong.

39. Maulana Md. MANIRUZZAMAN ISLAMABADI: (*a*) With reference to the answer to starred question No. 287 of the 25th March, 1938, will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether any action has been taken for the excavation works of the canal Baiguni in Patiya and the "Hangar *khal*" in Satkania in Chittagong?

(*b*) If the answer to (*a*) is in the negative, is the Hon'ble Minister contemplating provision of necessary fund in the next budget for the purpose?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) There was no reference to the Baiguni canal in the question cited by the honourable member, and the position in regard to the Hangar *khal* was explained in the reply which I gave to that question. There have been no further developments.

(*b*) No.

Upper Division posts in office of Director of Industries.

40. Mr. FAZLUR RAHMAN (Mymensingh): (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*i*) the number of Upper Division posts in the office of the Director of Industries, Bengal, on the 31st January, 1939;

(*ii*) how many of them are held by Muslims; and

(*iii*) whether there were any appointments and promotions in the Upper Division in 1937-38 and up to the 31st January, 1939?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to say whether any Muslim was appointed or promoted thereto? If not, why not?

(*c*) Was any inquiry made to ascertain the position of Muslim appointments in the Department of Industries?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps were taken to improve the position of Muslims and with what result?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Nine.

(*ii*) Two.

(*iii*) Yes.

(*b*) The answer to the first part of the question is in the affirmative and the second part of the question does not arise.

(*c*) The Director of Industries submits quarterly reports showing the position of the Muslim appointments. Besides, I have recently obtained a comprehensive statement of all appointments made under this department since April, 1937, showing what share of them went to Muslims.

(*d*) Shortly after I assumed office, I issued orders to heads of departments to speed up appointments of Muslims in the posts and services under them so as to secure the desired percentage of appointments for them and further directing that till the prescribed percentage of Muslim appointments was attained all vacancies should go to Muslims and in cases in which suitable Muslim candidates were not available, specific Government orders should be obtained before appointing non-Muslims. I was however confronted with the paucity of qualified Muslims for the technical posts under the department and had, in a number of cases, to approve the appointment of non-Muslims to technical posts for want of qualified Muslims for such posts. The latest comprehensive statement of appointments obtained by me however shows that the position with regard to Muslim appointments is rapidly improving and there has already been a considerable improvement in the percentages of Muslims in the services under the department.

Mr. MONMOHAN DAS: With reference to answer (*d*), may I ask the Hon'ble Minister whether he has issued any order regarding the appointment of scheduled caste candidates?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, Sir.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state with reference to his answer (*b*) how many Muslims have been appointed and how many promoted?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Adjournment Motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I rise to beg leave of the House to move a motion of adjournment for which I have got your consent. I propose to hand it over to you along with the statement and a letter which I have addressed to the Commissioner of Police.

Mr. SPEAKER: Will you please read out your motion?

Mr. SYED JALALUDDIN HASHEMY: My motion reads as follows: "That this House do adjourn to discuss a definite matter of urgent public importance, namely, the situation created by the prevention of public meetings in Calcutta and suspension of freedom of speech and freedom of association by goondaism which was witnessed in a largely attended public meeting held in the Town Hall on 27th February, 1939, to discuss the proposed amendment of the Calcutta Municipal Act which is under discussion in the Assembly."

Mr. SPEAKER: Sir Nazimuddin, what have you got to say about the admissibility of the motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as a matter of fact, I would have welcomed a discussion but on grounds of general policy I am opposed to this motion of adjournment because ——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May we know from you, Sir, if you have sought the advice of the Hon'ble the Home Minister on grounds of Government policy or on the admissibility of this motion?

Mr. SPEAKER: On the question of admissibility.

Dr. NALINAKSHA SANYAL: Then, Sir, I submit that on the question of admissibility no other grounds than the Rules and Standing Orders of the Assembly can be quoted.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is just what I was going to do. I submit, Sir, that under the Rules and Standing Orders of the Assembly this motion cannot be admitted because the incident referred to has nothing to do whatsoever with Government, and it is impossible for Government to anticipate incidents of this nature. Then again the meeting itself was a public meeting where nobody could be prevented from going. People have been arrested and charged, and the matter is under investigation, and there is every likelihood of their being sent up.

Rai HARENDRA NATH CHAUDHURI: Only likelihood? Then there is no certainty of their being sent up!

Mr. SYED JALALUDDIN HASHEMY: Sir, Government opposed a similar adjournment motion moved by me last year, and you gave your consent, and the motion was discussed in this House. This incident in magnitude, volume, and furiousness is far greater than the incident which occurred last year in connection with a similar matter. Sir, we referred the matter to the Commissioner of Police prior to the holding of the meeting in the Town Hall asking for instructions from the Commissioner of Police himself. Sir, even in spite of seeking protection from the police—I mean by submitting a letter to him and giving due information to him yesterday—to our surprise yesterday it was the police who did not allow us to hold the meeting, rather they helped the hooligans to disperse the meeting. Not only that. The audience was mercilessly belabqured with *lathis* resulting in serious bloodshed, some of whom are now lying in the hospital.

Dr. NALINAKSHA SANYAL: May I submit, Sir, without creating any feeling on this question that we are now considering the admissibility of this motion, and we have got to consider three questions only in this connection, viz., (1) whether the motion as drafted is within the rules, (2) whether the incident referred to is of recent ocurrence and (3) whether it is of public importance.

Sir, I submit that, so far as the possibility of some members or some hooligans either way being arrested by the police or some cases being drawn up against them is concerned, that is not at all the issue. The issue is the situation created through this kind of interference, so that public meetings have become well-nigh impossible. The position is this: here some gentlemen on a clearly lawful object called a meeting in the Calcutta Town Hall. They informed the Police and, they as lawful citizens, obtained permission of the Police and the Police also thought fit to keep some members of the Police there to watch. The position has been that although every possible step were taken by these lawful citizens, the Police, far from helping in holding the meetings, rather took steps to the contrary. There was no case in the court or any case even now is contemplated against the Police. All that is intended in moving this adjournment motion is to discuss the policy of Government in this connection. The individuals arrested or otherwise dealt with do not come in. Therefore the Hon'ble the Home Minister's statement that there have been some arrests and there is some likelihood of a case, does not arise. I therefore submit that it is a matter of great public importance, it is of recent occurrence and the resolution has been drafted in accordance with the rules.

Mr. SYED JALALUDDIN HASHEMY: Sir, if you read the statement of Maulvi Abdul Hamid, who is a member of the Coalition Party, which has been published in the newspapers, it will suffice for you to allow this motion.

Mr. SPEAKER: For the time being the only question which I have to decide is whether this motion is in order or not. I may explain the reasons later on in a statement when I am slightly better. My conclusion on reading the papers which have been handed to me; particularly the statement which has been handed, is that this motion is not in order. I am merely guided by the statement of the case and the letter which accompanies it. If this letter had not been a part of it, probably my decision would have been otherwise. But the reading of these two papers together preclude me from allowing this motion. I will, however, explain the reasons later when I am better. I hold the motion is not in order.

Point of Order.

Mr. SARAT CHANDRA BOSE: May I rise on a point of order, Sir? I rise to object to the consideration of the Calcutta Municipal (Amendment) Bill, 1939, and the motions relating thereto being continued to-day, and I take my stand on the rules of this House. This morning at about 9 a.m. we received a circular letter bearing No. 2223(250), dated yesterday, informing us that in supersession of previous orders, any Government business remaining from the 27th February, 1939, shall be taken up in the Bengal Legislative Assembly on the 28th February, that is, to-day, instead of non-official resolutions as previously fixed. I submit, Sir, that this is in direct contravention of the rules of this House and I may in this connection draw your attention to rules 16 and 21. Rule 16 is in these terms:—

"The Governor, after considering the state of business of the Assembly, shall allot so many days as may in his opinion be possible, compatible with the public interests for private members' business and may allot different days for the disposal of different classes of such business, and on days so allotted for any particular class of business, business of that class shall have precedence . . ."

This rule is clear and mandatory and if you read with that rule 21, which runs in these terms, the position is made even clearer—

"All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs."

Now, I propose to satisfy you that in circular letter No. 1944-2193, dated the 30th January, we were informed by the Secretary that the

Governor had been pleased to direct that 27th February, 1939, and 28th February, 1939, would be devoted to non-official resolutions. After that we received a circular letter No. 2218(250), dated 23rd February, which runs in these terms:—

"In supersession of previous orders, I am desired to inform you that there shall be no meeting of the Bengal Legislative Assembly on the 24th February, 1939, and that on the 27th February, 1939, the following Government business shall be taken up in the Assembly in the order specified below instead of non-official Resolutions as previously notified."

Sir, I regret, and the House will forgive me that through an oversight I had not noticed the wording of the circular which was issued on the 23rd February and my submission to-day to you is that the whole of yesterday's proceedings were illegal and in contravention of the rules of this House, because the circular letter of 23rd February makes it clear that there was no direction given by the Governor either on the 23rd February or before. In circulars which have been issued under your direction by the Secretary in cases where the Governor's direction was being communicated to the House it was clearly stated that the "Governor has been pleased to direct" this and that. As I have said, I regret that through an oversight I did not notice that the circular of the 23rd February did not contain the words that the Governor had been pleased to direct. No Governor could give any direction on the 23rd February because it is common knowledge, and the members of the House are aware, that on the 23rd February in the morning His Excellency Lord Brabourne passed away and the acting Governor did not assume charge until the afternoon of the 24th February.

But even if there were any direction by the Governor, I would contend on the strength of rule 16 that no such direction could be given, because the power given to the Governor under rule 16 had exhausted itself when on the 30th January he directed that 27th and 28th February be allotted for non-official resolutions. But the position is simplified in this case, because neither on the 23rd February nor on the 27th was any direction asked for or given by the Governor regarding allotment of official business in the place of non-official business. This rule lays down the privileges of non-official members. The privileges were contravened yesterday and I consider it my duty as Leader of the Opposition and particularly as a representative of the non-official members to make this submission to you that this House cannot proceed with the consideration of the Calcutta Municipal Bill to-day even assuming that yesterday's proceedings were legal and I do not admit for one moment that they were. I have already made my submission that the whole of yesterday's proceedings were illegal. Even assuming that yesterday's proceedings were legal on the ground that yesterday in pursuance of a circular letter issued by the Secretary to

the effect that on the 27th February the following Government business shall be taken up instead of non-official resolution. Government business was taken up. So far as the position of to-day is concerned, to-day being the 28th, immediately on the non-termination of official business yesterday, rule 21 came into force and that rule is also clear and mandatory, viz., that all business appointed for any day not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs. To-day is a day made available by means of a circular letter, dated 30th January, for non-official resolutions. It is not a day made available for the business of the class to which it belongs. Therefore all consideration of the Calcutta Municipal Bill and of all amendments thereto must stand over till the next official day. That is the point of order I raise. It is also one of privilege.

The second point I take up is a point of convenience. As you yourself ruled on a previous occasion that where such short notices are given it is unfair and inconvenient to the members. Even on that short notice ground I submit that the consideration of the Calcutta Municipal Bill cannot be taken up to-day, but it must wait until the next official day.

Mr. SPEAKER: Mr Bose, I am very glad that you have raised this point, but I submit I shall give my fully considered ruling on this point later on, on Monday or Tuesday. I have been thinking over this matter myself both on the question of convenience as well as on the question of legality, the two points raised by Mr. Bose.

As regards convenience, I consider that to be a very important point. Even though on the question of law legal opinion might differ, I cannot really see any difference on the question of convenience. What I propose to do is this: I hope the honourable members will not be inconvenienced if I give my decision next week. For the time being I might inform Mr. Bose and this House that so far as the changing of date is concerned, Governor's orders were received later on, as I announced yesterday when I said that to-day would be taken for the Calcutta Municipal Bill.

Dr. NALINAKSHA SANYAL: According to what rule, Sir?

Mr. SPEAKER: As regards rule, I was going to speak on that point. I hope you will just allow me to come to a definite conclusion. So far as the change of date is concerned, the date has been changed as I announced yesterday under Governor's orders. I also announced that this matter would, if possible, be finished at 5-20 to-day. Secretary wrote to the members: "In supersession of my previous

letter I am directed to say that the Governor has been pleased to direct that any Government business remaining from the 27th February shall be taken up in the Bengal Legislative Assembly on the 28th February instead of non-official resolutions."

Dr. NALINAKSHA SANYAL: Illegal orders cannot be obeyed.

Mr. SPEAKER: Whether it is legal or illegal is a matter which I cannot decide off-hand. I take it for the time being that I am not entitled to upset the business of this House and an apparently valid order which has been passed by the Governor on the ground of supposed illegality unless I am perfectly satisfied in my own mind that the order is illegal. I have to enter into the question, take legal advice, find out practices and conventions in the prst which will take some time——

Dr. NALINAKSHA SANYAL: Let us adjourn.

Mr. SPEAKER: I am afraid if Dr. Sanyal does not understand that I am in ill-health, it is impossible to proceed.

(Cries of "shame," "shame.")

Dr. NALINAKSHA SANYAL: I was trying to help you.

Mr. SPEAKER: I am sorry I am in bad health. I would have given my ruling off-hand if I were in the best of health to-day, and I hope that the Leader of the Opposition would at least allow me this indulgence that I would give my ruling on the question as to whether such orders are legal or illegal next week. In view of the fact that there were numerous instances in the past when the Governor or the Government had changed the date of non-official resolutions even 24 hours before the actual sitting, I cannot accept the suggestion that it is illegal, unless I am satisfied by looking into the law myself that it is illegal. I therefore hold that for the time being and until I give my decision next week on this point, the business of the House will be the consideration of the Calcutta Municipal Bill as the Governor has directed.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, I am glad that in view of what you said just now an additional reason has been furnished to us why we should not proceed with the consideration of the Calcutta Municipal Bill this afternoon. The additional reason is this that having regard to your health you do not feel that you are up to the task of giving a decision on the extremely important question which has been raised. You know very well that questions regarding illegality or irregularity of our proceedings have to be settled here in this House.

You are well aware of the provisions in the Statute that the Courts are not permitted to enquire into the validity of any proceedings of the Legislature; so it is a matter which primarily concerns the Speaker and the House. Now, Sir, rule 16, as I have already pointed out, is in very clear and mandatory terms and I may draw your attention to rule 17 in this connection. I am sorry to take up your time in the present state of your health, but the importance of the question demands that——

Mr. SPEAKER: I hope you will be very brief.

Mr. SARAT CHANDRA BOSE: All right, Sir. You will find that as regards section 17 which relates to the Governor's power to give precedence to special business, power is given to the Governor to make allotment of dates and to change the allotment. The words are these:— "The Governor acting in his discretion may—(*a*) at the commencement of a session of the Assembly, allot a day or days for business relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as is required by or under the Act to act in his discretion or to exercise his individual judgment and on such day or days such business shall have precedence" and sub-section (*b*) is that "at any time during a session, require that any business of the nature referred to in clause (*a*) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence." Express power is given to the Governor to direct that such special business may be taken up on any day or days specified in requisition. This power to change the allotment is limited to special business matters within his discretion, or matters in which the exercise of his individual judgment is called for. But there are no such words in Rule 16 and I think it will be conceded by all sections of the House that rule 16 is the rule that applies to this matter and it is this: "On days so allotted for any particular class of business, business of that class shall have precedence". Mr. Speaker, I regret that I was somewhat late yesterday in coming to the House and I came in just at the moment when you were announcing that if the Calcutta Municipal Amendment Bill was not finished yesterday it would be taken up this afternoon, and then you left. But before the Assembly adjourned for the day and when the Deputy Speaker was in the chair I gave express notice that I desired to raise this point this afternoon that this House would not proceed with the consideration of the Calcutta Municipal Amendment Bill this afternoon on the grounds stated in Rules 16 and 21. May I, Sir, also remind you that when you announced that it was your desire to take up the consideration of the Calcutta Municipal Amendment Bill this afternoon if not finished yesterday, you did not mention as far as I could follow, that there was any direction by the Governor? I do not know, Sir, when it was received. It is for you to say.

Mr. SPEAKER: It was received at 3 o'clock.

Dr. NALINAKSHA SANYAL: Were you aware of the fact at that time?

Mr. SARAT CHANDRA BOSE: But I have put the point in this way. Even assuming that a formal direction by the Governor came with reference to changing the dates already allotted for non-official business, I submit that such a direction is in direct contravention of rule 16 read with rule 21. I submit once the allotment is made for non-official business that allotment cannot be cancelled. Once the power under rule 16 is exercised, the power exhausts itself. There is no such power as you find in rule 17. Sir, if you are in any personal difficulty regarding this matter—I submit there is no difficulty at all—let this matter stand over to the next official day because that is the spirit of the rules. Rule 21 lays down "all business appointed to any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs." Now, Sir, several days are usually allotted for official business and several days still remain for transacting official business. Only two days were allotted for non-official resolutions of which one day has gone already and about 1 hour and 15 minutes of another day has passed. In these circumstances, Sir, I would submit with respect that it is the duty of the Speaker to protect the privileges of non-official members, particularly because those privileges are extremely limited. Having regard to the state of your health, I submit the proper course would be not to take up the consideration of the Calcutta Municipal Amendment Bill this afternoon but to postpone it under rule 21. Under rule 21 it already stands postponed to the next official day because the words are "next day available for business of the class to which it belongs" and this is official business. No harm would be done and further, Sir, much good would result from that, because a point of this nature should be decided either immediately, or, I submit, nothing should be done which might prejudice that point and which might make that point entirely futile, because if you were to proceed with the consideration of the Calcutta Municipal Amendment Bill this afternoon the point would become futile. It would be a *post mortem* affair. Having regard to all these considerations, I hope you will stand up for the privileges of non-official members of this House and for the right of non-official members to transact non-official business in this House, on days allotted for non-official business.

Mr. SPEAKER: Before giving my final decision—so far as to-day's business is concerned, in view of the practices and conventions which have been followed in the past since 1937 up to now we have accepted all changes made by the Governor in the order of business within 24 hours or even 12 hours.

Dr. NALINAKSHA SANYAL: Never, never.

Mr. SPEAKER: Order, order. I am giving my decision so far as to-day's business is concerned. I shall give my final decision later on. At present my decision is that in view of the practices and conventions followed in the past——

Dr. NALINAKSHA SANYAL: We beg of you in view of your ill health not to take up this matter. You had better leave the matter to the Deputy Speaker because it involves a serious matter of privilege.

Mr. SPEAKER: Order, Order

Dr. NALINAKSHA SANYAL: You please give us a hearing.

Mr. SPEAKER: I am very sorry that in spite of the fact of my bad health I have to give a decision which I give in full. I feel that the rules which have been pointed out by the Leader of the Opposition do not satisfy me that the Governor has not the right to change the programme even though that might cause inconvenience to members. As regards the question of inconvenience I personally feel that Government have certainly been sometimes changing their programmes in such a manner that it has caused a good deal of inconvenience to the members of all sections of the House, but that is a question of inconvenience and it is for the House to decide what steps should be taken with a view to putting a stop to this matter For the time being I am merely concerned with the question of deciding as to whether the change such as this is legal or illegal and I hold that the change of the non-official day following the past practice is legal and to-day we will take up the Calcutta Municipal Amendment Bill.

Mr. SASANKA SEKHAR SANYAL: By virtue of the circular, dated the 30th January, I seek the leave of the House and you Mr. Speaker, who is the custodian of the House, in full exercise of my humble and sacred privilege as a member of the House to move my non-official resolution——

Mr. SPEAKER: Order, order, will you please sit down?

Mr. SASANKA SEKHAR SANYAL: Before I sit down I beg to submit that I will not allow my rights to be trampled upon——

Mr. SPEAKER: Order, order, will you please sit down? Sir George Campbell.

Mr. SASANKA SEKHAR SANYAL: On a point of order, Sir. May I make this submission that I as a member of this House refuse to be robbed of my right to move my non-official resolution. Therefore in full sense of my responsibilities even at the risk of being turned out I beg to move that this Assembly is of opinion——

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Mr. SARAT CHANDRA BOSE: Sir, may I appeal to you once again to reconsider the decision which you have given. You had yourself put it in this way that the matter is important and you will take time to consider it having regard to the state of your health. But towards the close you have said that you are going to give a final decision but you have reserved your reasons for the time being. I submit that what is intended to be done today is to take up a long string of official business which is mentioned in the circular, dated the 23rd February. As regards that, you will find in the circular, which we received this morning bearing yesterday's date, item No. 4 for the 6th March "any Government business remaining from the 20th February." It is clear therefore that any Government business remaining from the 20th February will be taken up from the 6th of March, that is, the day allotted for Government business. I submit that the long string of Government business, which remains, may well be taken up on the 6th of March and in that case you will have time to consider the position. And if I am right, in the submissions which I have made—and I have made those submissions in perfect and absolute confidence—nothing can be said to the contrary. I submit that the privileges of official members demand and consideration of those privileges demand that the long string of Government business including the Calcutta Municipal (Amendment) Bill should stand adjourned till the 6th March, 1939.

Mr. SPEAKER: I think the best course is to give an opportunity to the Leader of the House and the Leader of the Opposition to meet together in my chamber with one or two other leaders with a view to coming to a decision in this matter. In a matter like this it is not possible for the Speaker to function unless all the leaders agree to co-operate with him. But I regret very much to say that after I gave my decision I was perfectly willing to take up this course if you, Mr. Leader of the Opposition, had raised this question, which you did not; on the other hand, the conduct of a member of your party is tantamount to flouting the Speaker's authority, and if it is tolerated, the Chair cannot function in any legislature of the world.

In view of the tension prevailing in the House, I adjourn it for 15 minutes in the hope that the Leader of the Opposition, the Leader of the House and Sir George Campbell will kindly meet me in my chamber.

The House was then adjourned for 15 minutes.

(*After adjournment.*)

Mr. SPEAKER: Sir George Campbell.

Mr. SASANKA SEKHAR SANYAL: I have already been on my legs, Sir, in connection with my resolution and I am not going to give way to your ruling which I consider to be unfair—

Mr. SPEAKER: Order, order Mr Sanyal, I cannot tolerate this sort of conduct on your part—(Loud noise and cries from the Opposition Benches).

Mr. SASANKA SEKHAR SANYAL: I am not going to give in your ruling— (Loud noise from all sides.)

Mr. SPEAKER: Mr Sanyal, it is my painful duty to order you to leave the Chamber at once unless—

Mr. SASANKA SEKHAR SANYAL: Yes, that I do.

(Mr Sanyal left the Chamber.)

Mr. KIRAN SANKAR ROY: Sir, I rise to support the resolution that has been moved by Mr. Sanyal.

Mr. SPEAKER: Order, order—

Mr. KIRAN SANKAR ROY: I will not take any orders from you. The privileges of the House are greater than the rulings of the Speaker, and I stand by those privileges. I will not sit down and listen to you——

Mr. SPEAKER: Mr. Roy, if you go on like that, I must order you to leave the Chamber.

Mr. KIRAN SANKAR ROY: Yes, I will certainly leave the Chamber, but I am not going to submit to your ruling—(Loud noise and uproar.)

Babu NARENDRA NARAYAN CHAKRABARTY:

সভাপতিমহাশয়, আমি এই প্রস্তাব সর্বান্তঃকরণে সমর্থন কোরছি। (Noise and interruptions)

Mr. SPEAKER: Am I to understand that I am not to be allowed to enforce my decision?

Mr. JOGESH CHANDRA GUPTA: You have no right to break the privilege of the House by trying to enforce your unreasonable, unfair and unjust decision—

Mr. SPEAKER: I am again appealing to the Congress Party that when I have given my decision—

Dr. NALINAKSHA SANYAL: It is wrong and unfair—(Noise and uproar.)

Mr. SPEAKER: I think it would be impossible for any Speaker to function—

Rai HARENDRA NATH CHAUDHURI: We will make it impossible for you. We want fair play—

Babu NARENDRA NARAYAN CHAKRABARTY:

আজকের এই সভায় আমাদের এই বিষয়ে বক্তৃতা দিবার অধিকার আছে বোলে আমি বিশ্বাস করি। আমি আমার এই আসন ছেড়ে বাইরে যাবো না,—যতক্ষণ পর্যান্ত—আমাকে বলপ্রয়োগ কোরে বার না করা হচ্ছে। সুতরাং আমি পুনরায় আমার বক্তৃতা আরম্ভ কোরছি—

Mr. SPEAKER: I order you, Mr. Chakrabarty, to leave the Chamber.

Babu NARENDRA NARAYAN CHAKRABARTY:

আমাকে এই সভাকক্ষ ছেড়ে বাইরে যেতে হবে এই আদেশ পালন কোরতে পারছি না বোলে আমি দুঃখিত। কেননা এই সভার সদস্য হিসাবে আমার যে অধিকার আছে তা থেকে আমাকে বঞ্চিত করা হচ্ছে, কিন্তু সেই অধিকার আমি সম্পূর্ণরূপে ভোগ করিতে চাই এবং——

Mr. SREAKER: Order, order—

(At this stage there was great uproar.)

Mr. SANTOSH KUMAR BOSE: I withdraw my name from the Select Committee. I won't serve on it.

Mr. JOGESH CHANDRA GUPTA: We cannot sacrifice our rights and privileges.

Mr. SPEAKER: Order, order—

Mr. TULSI CHANDRA GOSWAMI: We won't hear you. You must carry on the proceedings of the House according to the rules.

Dr. NALINAKSHA SANYAL: We have our rights too.

Mr. SPEAKER: I have already given my decision on the matter.

Dr. NALINAKSHA SANYAL: It is a wrong decision—

(Again there was great uproar.)

Mr. SPEAKER: In view of this uproar, it is impossible for me to continue the proceedings of the House, and I would appeal to the Leader of the Opposition to help me.

Mr. SARAT CHANDRA BOSE: Sir, I must confess that I was extremely surprised to find that you should have called upon Sir George Campbell to speak, because I was under the impression that it was your desire that official business should stand over till the 6th of March, 1939. If Government are unreasonable, I would ask you to stand by the rights and privileges of non-official members as regards transaction of business in this House.

Mr. SPEAKER: That was my view, but it was not agreed to. I hope Mr. Bose will realise that it is my duty as the Speaker to see that I am at least allowed to carry on the business of the House to my utmost capacity.

Rai HARENDRA NATH CHAUDHURI: But legally and in accordance with the rules.

Mr. SPEAKER: Order, order. Will you please allow me to have my say? Whether I am legal or illegal is a matter which should be decided on an appropriate motion which is not before the House at this stage, but I say that it is my duty as Speaker to carry on the business of the House to its finish. I have been trying to do that. I first tried to proceed with the normal business which I decided should be taken up first. Having failed in that, I found that the temper of the House was such that it was impossible to carry on. Secondly, I tried to put this motion before the House. That also was impossible. I have not got the requisite number of men nor the Marshall to ask a member to leave the Chamber if he does not do so voluntarily. I will make my remarks in this respect later on and on an appropriate occasion. Having failed in my attempts to see that the House functioned properly, I find that the business of

the House cannot possibly be carried on; and I would now ask Government whether they are in a position to announce straightaway—they may give formal notice later on—as to when they want to proceed with the Calcutta Municipal (Amendment) Bill, because it is, as they find, impossible to take it up now.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir.—

Mr. K. NOORUDDIN: On a point of information, Sir. Where is the assurance that these unseemly scenes will not be repeated when the House meets again to discuss the Calcutta Municipal (Amendment) Bill?

Mr. M. SHAMSUDDIN AHMED: Is Mr. Nooruddin the Government spokesman?

The Hon'ble Mr. A. K. FAZLUL HUQ: May I make a statement, Sir?

Mr. SPEAKER: Yes.

The Hon'ble Mr. A. K. FAZLUL HUQ: I shall say nothing regarding the unseemly scenes that have been witnessed inside the Chamber. So far Government—

Mr. JOGESH CHANDRA GUPTA: Very necessary.

Dr. NALINAKSHA SANYAL: Withdraw the word "unseemly".

(Cries of "withdraw, withdraw" from the Congress and Krishak Proja Benches.)

The Hon'ble Mr. A. K. FAZLUL HUQ: As I was saying, unseemly and most ungentlemanlike manner—

Mr. TULSI CHANDRA GOSWAMI: Absolutely gentlemanly.

(At this stage there was renewed and continuous uproar.)

Mr. SPEAKER: I adjourn the House till Monday, the 6th March, at 4-45 p.m.

Adjournment.

The Assembly was then adjourned till 4-45 p.m. on **Monday, the 6th March, 1939, at the Assembly House, Calcutta.**

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 6th March, 1937, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 222 members.

STARRED QUESTIONS

(to which oral answers were given)

Appointment of Muslim lawyers as Public Prosecutors or Additional Public Prosecutors in 24-Parganas.

*100. **Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether any Mussalman lawyer was ever appointed Public Prosecutor or Additional Public Prosecutor in the 24-Parganas?

(*b*) Will the Hon'ble Minister be pleased to state

(*i*) when the posts of the Public Prosecutor and the Additional Public Prosecutor of the 24-Parganas were last filled up; and

(*ii*) when the term of the present incumbents will expire?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that recently a number of Hindu lawyers in the panel of Public Prosecutors in the 24-Parganas, appointed formally on Rs. 25 per diem and subsequently those scale of fees was reduced, have been reinstated in their former grade?

(*d*) If so, is the Hon'ble Minister considering the desirability of similarly increasing the scale of fees of the Muslim lawyers, whose scale was similarly reduced?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy on behalf of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) No.

(*b*) (*i*) The term of the Public Prosecutor originally appointed in March, 1935, was extended in March, 1938. The post of Additional Public Prosecutor was created in April, 1937, and filled then.

(*ii*) Public Prosecutor on 5th March, 1941. Additional Public Prosecutor on 2nd April, 1940.

(*c*) On the recommendation of local officers, the District Judge and District Magistrate, the rates of daily fees of 3 lawyers, all Hindus, were raised to Rs. 25, Rs. 25 and Rs. 20 respectively, from Rs. 16 to which their original rate of Rs. 25 was previously reduced.

(*d*) and (*e*) None of the fees of the present Muslim lawyers were reduced. The fees are fixed by the Legal Remembrancer according to ability and standing of the pleaders.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the fee of one Muslim M.L.A. was raised from Rs. 16 to Rs. 25 just on the day before the no-confidence motion was moved in this House without regard to the standing and ability of the person concerned and without the recommendation of the local officers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not my information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the name of that Muslim M.L.A. is Mr. Shah Abdur Rauf of Rangpur?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Maulvi ABDUL LATIF BISWAS: Is the Hon'ble Minister aware if the fee of any Muslim lawyer was reduced from Rs. 25 to Rs. 16?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Babu RADHA NATH DAS: With reference to (*c*), will the Hon'ble Minister be pleased to state whether there are any Scheduled Caste lawyers as Public Prosecutors?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Employees of rural Sub-Registry office of 24-Parganas.

101. Mr. J. N. GUPTA: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether some employees of rural Sub-Registry office under the District Sub-Registrar of 24-Parganas are transferred from one office to another but no travelling allowance is given to them?

(*b*) Has the Hon'ble Minister received any petition from the All-Bengal Registration Employees' Association asking for permission to wait upon him in a deputation to represent before him their grievances?

(*c*) If so, has the deputation received permission to wait upon him?

(*d*) If so, with what result?

(*e*) If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) When such transfer is made at the request of the employee and not in the public interest, travelling allowance is not generally allowed

(*b*) Yes.

(*c*) Not yet.

(*d*) Does not arise.

(*e*) The memorandum of grievances submitted by the Association is still under consideration

Mr. J. N. GUPTA: With reference to (*a*), will the Hon'ble Minister be pleased to state if there are cases in which persons were denied the travelling allowance even when they were transferred in the interests of public service?

The Hon'ble Mr. A. K. FAZLUL HUQ: Not that I am aware of.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to enquire if there are such cases which warrant consideration by him?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not see any necessity.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there have been cases where transfers have been allowed not in the interests of public service, as mentioned in answer (*a*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, never.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there has been any case in which travelling allowance has not been allowed because transfer has been allowed not in the public interest?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, that is false.

Dr. NALINAKSHA SANYAL: The reply to question (*a*) is "When such transfer is made at the request of the employee and not in the public interest, travelling allowance is not generally allowed", and I wanted to know in how many cases, as referred to here, there have been transfers which were made not in the public interest but at the request of the employee, and where travelling allowance has not been allowed.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. The honourable member did not mention before the words "at the request of the employee," and that makes all the difference to the question.

The Hon'ble Mr. A. K. FAZLUL HUQ: In answer to the question, as amended, I may say that it is impossible for me to answer without investigation. I want notice.

Posts in the Land Acquisition Collectors' offices.

***102. Mr. FAZLUR RAHMAN (Mymensingh):** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay a statement on the table showing for the present time in respect of the offices of the First and Second Land Acquisition Collectors—

(*i*) the number of posts;

(*ii*) designation of posts;

(*iii*) scale of pay attached to these posts;

(*iv*) nature of posts;

(*v*) number of Hindu incumbents;

(*vi*) number of Muslim incumbents; and

(*vii*) method of recruitments?

(*b*) What measures have been taken or are intended to be taken to appoint more Muslims in the Land Acquisition Collectors' offices?

(*c*) Is it a fact that certain posts in superior or inferior scales are still lying vacant in the said offices?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether these posts have been advertised?

(*e*) If the posts have been advertised, will the Hon'ble Minister be pleased to state whether they were advertised in the *Star of India* and *Azad*?

(*f*) If not, why not?

(*g*) Has any attempt been made to fill up these posts by suitable Muslim candidates?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) to (*vi*) A statement is laid on the Library table.

(*vii*) Applications are invited by advertisements and the final selection is made after interviewing and examination of candidates who are considered most suitable.

(*b*) To secure suitable Muslim candidates, the advertisements are sent to (1) Assistant Director of Public Instruction, Muhammadan Education, (2) Secretary, Central National Muhammadan Association, and (3) Honorary Secretary, Muhammadan Literary Society.

(*c*) and (*d*) Yes.

(*e*) No.

(*f*) and (*g*) Because the Land Acquisition Collector considered that the publication of the advertisement in the *Calcutta Gazette* and the *Statesman* gave sufficient publicity to the advertisement.

Pay and allowance of the members, Land Revenue Commission.

*103. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the pay or allowance or both given to each member of the Land Revenue Commission;

(*b*) whether the members of the Commission will receive any pay when the work will remain suspended; and

(*c*) the amount of travelling allowance and halting allowance drawn by each of the members for the tours they have done up to the 31st January, 1939?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement is laid on the Library table.

(*b*) During the period of suspension of the work of the Commission, only the Chairman will receive his honorarium, and Dr. Radha Kumud Mukherjee and Mr. Carter their respective pay.

(*c*) A statement is laid on the Library table.

Mr. JOGENDRA NATH MANDAL: With regard to answer to question (*b*), will the Hon'ble Minister be pleased to state what is the amount of their respective pay?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Sixty per cent. appointments to Muslims.

***104. Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state when the resolution passed at the last Legislative Assembly meeting giving 60 per cent. appointment to the Muslim will be given effect to?

(*b*) Are the Government considering the desirability of filling up the intermediate higher posts by promotion from deserving Muslim officers to bring up the proportion?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin on behalf of the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) The matter is under consideration.

(*b*) In making appointments by promotion the criteria are seniority and merit. The question of promoting officers on a communal basis does not therefore arise.

Mr. ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state how long will Government take to finish their consideration?

The Hon'ble Khwaja Sir NAZIMUDDIN: We hope to do it very soon.

Mr. Karunamay Mitter, Sadar Subdivisional Officer, Faridpur.

***105. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state whether—

(*i*) Mr. Serajul Karim, Deputy Magistrate, had recently been placed in charge of the Sadar subdivision of Rajshahi;

(*ii*) the charge of the subdivision had also been made over to him by Mr. Karunamay Mitter, Subdivisional Officer of the said subdivision; and

(*iii*) Mr. Serajul Karim again after three or four days made over the charge of the subdivision to Mr. Karunamay Mitter?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of these changes?

(*c*) Is it a fact that Mr. Miller has been continually serving in the subdivision for more than five years?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government contemplate his transfer?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*c*) The orders placing him in charge of the subdivision have been held in abeyance.

(*ii*), (*iii*) and (*c*) No.

(*b*) and (*d*) Do not arise

Ratio of Muslim lawyers in the panel of Public Prosecutors in 24-Parganas.

*106. **Maulvi ABDUL LATIF BISWAS:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay a statement on the table showing for the years 1936, 1937 and 1938 in respect of the 24-Parganas district—

(*a*) who is the Public Prosecutor;

(*b*) who is the Additional Public Prosecutor;

(*c*) what is the total number of the lawyers in the panel of Public Prosecutors;

(*d*) how many of them are Mussalmans;

(*e*) the amount of fees drawn by each of them separately;

(*f*) the number of Crown cases given to lawyers outside the panel;

(*g*) the fees paid to each of them; and

(*h*) the number of Mussalmans amongst those lawyers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Mr. J. K. Mukherjee, Barrister-at-Law.

(*b*) Mr. P. K. Ganguli, Advocate (from the 3rd April, 1937, prior to that there was no post of the Additional Public Prosecutor).

		1936.	1937.	1938
(*c*)	.. ..	12	16	21
(*d*)	.. ..	3	4	5
(*f*)	.. ..	18	23	30
(*h*)	.. ..	Nil	1	Nil

(*e*) A statement A is laid on the Library table.

(*g*) A statement B is laid on the Library table.

Appointments in Civil Courts, Nadia.

*107. **Maulvi AFTAB HOSAIN JOARDAR:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) how many appointments have been made in the district of Nadia during the years 1934-1938 in the various Judge's and Civil Courts;

(*b*) how many of them are from the—

(1) Muhammadans, and

(2) Scheduled Castes; and

(*c*) has the percentage allotted to the Muslims and members of the Scheduled Castes respectively been adhered to?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Nineteen.

(*b*) (1) Ten and (2) two.

(*c*) Yes, in the case of Muslims. No definite percentage has been prescribed for this district for the members of the Scheduled Castes.

Mr. MONMOHAN DAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state if it is the deliberate policy of Government not to fix the percentage for the Scheduled Castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The whole matter is under the consideration of Government and they hope to come to a decision very soon.

Road from Barhatta railway station to Shahata Ferry Ghat, Netrokona, Mymensingh.

*108. **Mr. BIRENDRA KISHORE ROY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he has received a petition from villagers near about Barhatta police-station in the subdivision of Netrokona in Mymensingh district in 1937 for construction of a road from Barhatta railway station to Shahata Ferry Ghat?

(*b*) Is it a fact that the petition was forwarded to the Special Officer, Road Development Project, Bengal, for consideration?

(*c*) Was any enquiry made locally regarding the necessity and utility of such a road as mentioned in the petition?

(*d*) What action, if any, have the Government taken in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*b*) Yes.

(*c*) and (*d*) The petition referred to was considered. The road would be of purely local importance. It is therefore a matter for the District Board to take up.

Ratio of different Communities in engineering posts.

*109. **Mr. FAZLUR RAHMAN (Mymensingh):** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state the total number of engineering posts in the department?

(*b*) How many of these posts are held by—

(1) Europeans,

(2) Hindus, and

(3) Muhammadans

and what are the grades respectively?

(*c*) Is there any grade of Assistant Executive Engineers in the Department?

(*d*) If the answer to (*c*) is in the affirmative, how many such posts are there and who are the incumbents?

(*e*) If the answer to (*c*) is in the negative, do the Government contemplate to make direct recruitment to such grade?

(*f*) Whether there is any proposal to appoint more Muslim Engineers in the Executive position?

(*g*) Whether the Government contemplate making new recruitments in the department in the near future?

(*h*) If so, what are these posts and how many of those will be reserved for Muhammadans?

(*i*) Is it a fact that two posts of Executive Engineers fell vacant in succession due to the retirement of Chief Engineers of the Public Works and Irrigation Departments?

(*j*) If the answer to (*i*) is in the affirmative, who were the persons promoted to such posts?

(*k*) Was there any Muhammadan available for promotion?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) and (*b*) A statement giving the desired information is laid on the table.

(*c*) Yes.

(*d*) At present there are only two officers in that grade—Mr. H. A. Keatinge, B.S.S.E., in the Communications and Buildings Branch and Mr. Sunny Gupta, I.S.E., in the Irrigation Branch.

(*e*) Does not arise.

(*f*) Not at present.

(*g*) and (*h*) It is likely that seven Assistant Engineers, including at least three Moslems, will shortly be appointed in the Communications and Buildings Branch.

(*i*) and (*j*) One post has fallen vacant in consequence of the retirement of the Chief Engineer, Communications and Buildings Branch, but the vacancy has not yet been permanently filled.

The Irrigation Chief Engineer has not yet retired, he is now on leave preparatory to retirement on the 2nd December, 1939.

(*k*) Does not arise.

Statement referred to in the reply to clauses (a) and (b) to starred question No. 109.

COMMUNICATIONS AND BUILDINGS BRANCH.

Services and grades thereof.	Total number of posts.	Number of posts held by Europeans or Anglo-Indians	Number of posts held by Hindus.	Number of posts held by Muhammadans.
(1) Indian Service of Engineers				
Chief Engineer ..	1	1	..	..
Superintending Engineers ..	4	3	1	..
Executive Engineers ..	(*a*)7	3	4	..
	(*a*)12	7	5	..
(2) Bengal Senior Service of Engineers, including similar posts in the Electrical Branch—				
Superintending Engineers ..	1	1	..	..
Executive Engineers ..	6	4	2	..
Assistant Engineers ..	(*b*)1	1	..	..
	(*b*)8	6	2	..
(3) Bengal Engineering Service, including similar posts in the Electrical Branch—				
Assistant Engineers ..	(*c*)40	1	(*d*)34	5
Total ..	60	14	41	5

(*a*) Excluding 1 post vacant.

(*b*) Excluding 3 posts vacant.

(*c*) Including 3 temporary posts but excluding several posts vacant.

(*d*) Including 3 temporary posts.

IRRIGATION BRANCH

Services and grades thereof.	Total number of posts.	Number of posts held by Europeans.	Number of posts held by Hindus.	Number of posts held by Muhammadans.
(1) Indian Service of Engineers—				
Chief Engineer ..	1	*1	.	.
Superintending Engineers .	(a)3		3	.
Executive Engineers ..	11	5	6	.
Assistant Executive Engineers ..	1		1	
	16	6	10	.
(2) Bengal Engineering Service—				
Assistant Engineers .	(b)22	.	(c)17	(d)5
Total ..	38	6	27	5

*Mr. S. C. Majumdar is now officiating Chief Engineer.
(a) Including 1 temporary post.
(b) Including 6 temporary posts.
(c) Including 4 temporary posts.
(d) Including 2 temporary posts.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the posts mentioned in classes (1), (2) and some in (3) come under the category of technical posts which do not ordinarily come under the rule for percentage of Muslim appointments? In technical appointments this rule is not applicable

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: These are technical appointments no doubt, but I am not quite sure whether they come under the rules of percentage or not?

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to tell us how the vacancy caused by the retirement of the Chief Engineer, Public Works Department, has been filled up? Whether by a Muhammadan, or a Hindu or a European?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It has been filled up by the next man in order of seniority.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he is a Hindu or a Muhammadan?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: A European.

Ratio of different communities in the employ of the Court of Wards.

***110. Khan Bahadur Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the present number of Muslim and Hindu employees in the Court of Wards showing separately the number of Managers and Sub-Managers; and

(*ii*) the number of Managers, Sub-Managers and other employees appointed in the said department for the last two years?

(*b*) Has any retired Government officer been appointed as Manager and Sub-Manager in the said department during the last two years?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state their numbers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY:—

		Managers.	Assistant Managers
(*a*) (*i*) Hindus	.. ..	49	13
Muhammadans	..	4	4

As regards other employees the information is not readily available.

	1937.	1938.
(*ii*) Manager	... 1	Nil.
Sub-Manager	... 1	Nil.

As regards other employees the information is not readily available.

(*b*) No.

(*c*) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in the appointment of managers, the opinion of the proprietors is sometimes respected?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not necessarily.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in how many estates which are owned by Hindus Muslim officers have been appointed as managers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state why the number of Muhammadan managers and sub-managers is so meagre?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In most of these cases appointments were made long before the present Government came into office. Therefore it is difficult for me to answer this question; successful managers are however generally retained.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to tell us whether he considers it desirable to fix the ratio of Muhammadan managers and sub-managers in the department?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In filling up the Court of Wards' appointments the interest of the estate is the primary consideration of Government and they do not make appointments on communal lines, but certainly Government will bear in mind the request that has been made.

Statement by a Secretary of a registered Trade Union.

***111. Mr. A. M. A. ZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that the Secretary of the Bengal Government Press Employees' Association had submitted annual return to the Registrar, Trade Unions, in the month of July last stating that no member had resigned from the said association by the 31st March, 1938?

(*b*) Is it a fact that on the 3rd March, 1938, members of the Bengal Government Press Employees' Association submitted letters of resignation from the said Association to the Secretary of the Bengal Government Press Employees' Association through the Superintendent of the Bengal Government Press?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken or are intended to be taken against the Secretary, Bengal Government Press Employees' Association?

(*d*) If no action is taken, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The annual return for 1937-38 was submitted by the Secretary, Bengal Government Press Employees' Association, to the Registrar of Trade Unions in July last showing that 20 members had left the Association during the year ended 31st March, 1938.

(*b*) Government have been informed that four letters were received in March, 1938, signed by 71 persons stating that they wished to resign from the Association, but of these 71, only 20 could be traced as definitely wishing to resign from the Association. The others were apparently under the impression that the letter of resignation they signed was a reminder to Government in connection with the memorials for the abolition of the piece-work system in the Bengal Government Press.

(*c*) and (*d*) Do not arise.

Dr. SURESH CHANDRA BANERJEE:

মাননীয় মন্ত্রীমহাশয় বোলবেন কি এই যে memorial referred to his answer (*b*), এই memorial কবে submit করা হয়েছিলো?

The Hon'ble Mr. H. S. SUHRAWARDY: The memorial was not submitted to my department. Therefore I am not able to give that information

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether this particular union is recognised by the Government?

The Hon'ble Mr. H. S. SUHRAWARDY: That again is a matter for the department concerned, but I understand that the union has been recognised.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether the recognition of another union of more than 10 years' standing (registered) was cancelled after the formation of this union?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it Again it is a matter for the department concerned.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how does he come to the conclusion that the 51 workers who resigned from the union did it under the impression that they were signing a memorial to the Government for the abolition of the piece-work system?

The Hon'ble Mr. H. S. SUHRAWARDY: I did not come to the conclusion. I think the word used there is "apparently". Enquiries were made as to how after 71 persons had stated that they wished to resign, the Secretary of the union had stated that only 20 persons actually resigned. My information is to the effect that only 20 persons stated that they actually desired to resign, and the other 51 signed the representation under a misapprehension.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether those 51 persons withdrew their resignation?

The Hon'ble Mr. H. S. SUHRAWARDY: Not that I am aware of.

Dr. SURESH CHANDRA BANERJEE:

মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে বোলবেন কি B. G. প্রেসে এখনো piece-work system আছে কি না?

The Hon'ble Mr. H. S. SUHRAWARDY: That again is not a matter for this department. I think the relevant department concerned might be questioned on the subject.

Inadequate veterinary assistants in Birbhum.

***112. Dr. SARAT CHANDRA MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Veterinary Department aware—

(*i*) that there are in the district of Birbhum only two veterinary assistants, one in Sadar having 10 thanas and another in Rampurhat subdivision in charge of 4 thanas respectively; and

(*ii*) that the Sadar veterinary assistant has to attend to the hospital and dispensary in Suri town?

(*b*) Is the Hon'ble Minister considering the desirability of sanctioning another veterinary officer to the Sadar for facilitating the work of the district?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) Hitherto the number of itinerant veterinary assistant surgeons employed in a district depended entirely on the number for whom the District Boards were prepared to pay the necessary contribution to Government. This system has long been recognised as unsatisfactory and a scheme has now been devised to remedy it. The first part of that scheme has been included in the budget proposals which will shortly be put before the legislature for approval and voting of the necessary funds. Under that scheme District Boards will be relieved of all financial liability for itinerant veterinary assistant surgeons who will be paid for entirely by Government up to a maximum, for the present, of two per subdivision. The adoption of this scheme will remedy the position complained of by the questioner.

Briefs for criminal cases in this province.

*213. **Mr. ABDUL WAHAB KHAN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the amount spent in the province on the preparation of briefs for criminal cases during the years 1935-36 and 1936-37?

(*b*) Is the Hon'ble Minister aware that the Additional District Magistrate, Mymensingh, proposed a scheme to the Commissioner, Dacca Division, in 1936, showing how a saving of rupees twenty thousand could be effected for the province by maintaining a paid staff for the preparation of briefs instead of the present system?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of accepting the proposed scheme in place of the present system?

(*d*) If the said scheme is not to be adopted, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) 1935-36 Rs. 27,144-4-7 and 1936-37 Rs. 26,859-11-11.

(*b*) Yes.

(*c*) The scheme was not forwarded to Government for consideration as it was not deemed to be practicable.

(*d*) The flow of brief is not regular and so the employment of one whole-time typist would mean that at times he would have nothing to do while at others he would find it impossible single-handed to prepare the required brief in time.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the Government will consider the desirability of introducing the scheme?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government considered this not practicable and it will not lead to economy.

Mr. ABDUL WAHAB KHAN: It will appear from the answer that the scheme has not come up to Government till now. So I ask, will the Government consider its desirability first-hand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in connection with this question, the matter came up to Government and Government had the opportunity of examining the question incidentally.

Mr. ABDUL WAHAB KHAN: In answer (*c*), it is stated: "The scheme was not forwarded to Government for consideration as it was not deemed to be practicable". It appears from this that it remained with the Commissioner and did not come up to Government. That is why I ask this question.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is so, Sir, but when the honourable member put this question the matter came up to Government and we had an opportunity of examining this question incidentally.

Appointments in the Criminal Courts, Nadia.

***114. Maulvi AFTAB HOSAIN JOARDAR:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state -

(*a*) how many appointments have been made in the district of Nadia during the years 1934-38 in the various criminal courts and offices under the District Magistrate and Collector,

(*b*) how many of them are from the

(1) Muhammadans, and

(2) Scheduled Castes; and

(*c*) has the percentage allotted to the Muslims and members of the Scheduled Castes respectively been adhered to?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Permanent 5 and temporary 15

(*b*) (1) Permanent 3 and temporary 4

(2) Nil.

(*c*) Yes, so far as Muslims are concerned.

There is no prescribed percentage for appointment of Scheduled Castes in the district of Nadia. The vacancies were duly notified but none from the backward classes applied

Mr. MONMOHAN DAS: With reference to answer (*c*), is the Hon'ble Minister aware that one Dasrat Haldar (I.Sc.) of Kushtia Subdivision who belongs to the Scheduled Castes applied for the post of a clerk in the Collectorate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, that is not our information.

Mr. RASIK LAL BISWAS:

মন্ত্রিমহাশয় দয়া করে বলবেন কি কোনো scheduled castes candidate apply করেছিলো কি না সে বিষয়ে তিনি কোন খোঁজ নিয়েছিলেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is categorically mentioned here "The vacancies were duly notified but none from the backward classes applied" and backward classes include Scheduled Castes.

Mr. RASIK LAL BISWAS: When?

(No answer.)

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state with reference to answer (*c*), what is the percentage prescribed for Muslims in the district of Nadia?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Grant of Khas Mahal lands to certain approver-witnesses, Faridpur.

***115. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that (1) Heramba Chandra Sil of Hogla, police-station Bhedarganj, (2) Makhan Lal Mukherjee of Chhaigaon, police-station Bhedarganj, (3) Amulya Chakravarty of Kendua, police-station Madaripur, and (4) Subol Krishna Pathak of Pathak-kandi, police-station Madaripur, in the district of Faridpur, were approver-witnesses in the (1) Hogla (Political) bad-livelihood case, (2) Chhaigaon (Political) bad-livelihood case, (3) Faridpur I.B.S.I.'s revolver theft case and (4) Dargakhola revolver find case respectively, all tried in the district of Faridpur during the last few years?

(*b*) Is it a fact that all the accused persons in the first two cases were discharged by the Additional District Judge and District Sessions Judge of Faridpur respectively?

(*c*) Is it a fact that each of the above named four approvers has been rewarded by Government with a grant of 50 *highas* of *khas mahal* lands?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the policy under which such grants were made?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (1) Heramba Chandra Sil was examined as a witness in the Hogla bad-livelihood case.

(2) Makhan Lal Mukharji was convicted in a case under section 110, Cr. P. C., and examined as a witness in the Chhaigaon bad-livelihood case.

Nos. (3) and (4) were approvers in the cases referred to.

(*b*) Yes.

(*c*) No. Three of them only have been accepted as *khas mahal* tenants on payment of rent.

(*d*) The policy is that of enabling persons who have abandoned terrorism to settle down to a life of productive citizenship.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether it is the rule that khas mahal lands are settled with tenants on receipt of a *salami*?

The Hon'ble Khwaja Sir NAZIMUDDIN: Generally this is so.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why the *salamies* were not demanded from these approver witnesses?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is left to the discretion of the District Magistrate

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to tell us the decision of the court with regard to the Hogla bad-livelihood case and Chhaigaon bad-livelihood case?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will refer the honourable member to my answers (*b*) and (*d*).

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that in no other case than the cases of these Approver witnesses has the District Magistrate settled any khas mahal land with any tenant without *salami*?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state with reference to answer (*d*), whether Government propose to settle khas mahal lands with the released detenus without *salami*?

The Hon'ble Khwaja Sir NAZIMUDDIN: It depends upon the detenus who apply.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are the conditions that he will require to be fulfilled before settling lands to ex-detenus without *salami*?

The Hon'ble Khwaja Sir NAZIMUDDIN: One of them, amongst other reasons is that the Government should be satisfied that they are going to settle down to a normal life.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether it is a criterion that if Judges disbelieve in a particular approver he will be entitled to be settled without *salami*? Is that one of the considerations?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that this question does not arise.

Mr. JOGESH CHANDRA GUPTA: I submit that it is for the Speaker to say. I have put my question. The Hon'ble Minister has said that there are many considerations. This is a case of an approver who had been disbelieved by the Judges and the acquittal was the result. Now is it one of the considerations that if an approver is disbelieved in a judicial decision then he can be settled without *salami* whereas ordinary detenus will not get that advantage?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to accept the suggestion of the honourable member.

"Bithari Baor" in 24-Parganas.

***116. Mr. PATIRAM ROY:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the "Bithari *Baor*" in police-station Swarupnagar, 24-Parganas, was formerly connected at its both ends with the river Naukhali;

(*ii*) that the *Baor* is at present silted up at both ends, resulting in a loss to trade and agriculture;

(*iii*) that the current of water having been stopped due to silt and mud embankments at both ends, the *Baor* has become a hotbed of malaria, cholera, kala-azar, dysentery and other epidemics; and

(*iv*) that the inhabitants of the Bithari have sent a memorandum to the Government of Bengal regarding the all-through development of the said area?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of including the Bithari Mauza in the Rural Development Scheme for re-excavating the silted up bed of the *Baor* and restoring its normal connection with the Naukhali?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) No. The topographical features suggest that the *Baor* is an old cut-off bed of the Sonâi river.

(*ii*) and (*iii*) Owing to silting up at both ends, the *Baor* has become a water-logged area. In the absence of statistics I am unable to say to what extent harm has been done to trade, agriculture and public health in consequence.

(*iv*) Yes.

(*b*) The Dant-Bhanga project which is under preparation provides for the drainage of this *Baor*.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state how long has the scheme been under the consideration of Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I want notice

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if he is aware that the scheme has been under the consideration of Government for more than a decade?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is more than I can say

Re-excavation of Dhurung khal and river Halda in Chittagong district.

***117. Dr. SANAULLAH:** (*a*) With reference to the reply to unstarred question No. 3 of the 29th July, 1938, will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state separately what *specific* steps have been taken in connection with the—

(*i*) re-excavation of the dead Dhurung *khal* in police-station Fatikchari, district Chittagong; and

(*ii*) straightening the zigzag course of the river Halda?

(*b*) Will the Hon'ble Minister be pleased to state what are the reasons for the collection of data regarding water levels in connection with the river Dhurung?

(*c*) If not, is the Hon'ble Minister considering the desirability of taking up the scheme forthwith?

(*d*) Is the Hon'ble Minister aware that the data regarding the water levels of the river Halda were collected about some 10 years ago in connection with the—

(*i*) construction of the Kalurghat Railway bridge; and

(*ii*) the tentative scheme of straightening the zigzag course of the river Halda?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) The scheme has been fully examined and found unworkable at a reasonable cost.

(*ii*) An estimate has lately been received from the local officers and is under scrutiny.

(*b*) and (*c*) Do not arise as the scheme has been fully examined and abandoned.

(*d*) (*i*) I have no information.

(*ii*) Some data were collected in 1928 but those were not considered an adequate basis for an opinion as to whether the proposed short cuts in the Halda would be lasting

Petitions for commutation of pensions.

***118. Mr. BIRENDRA KISHORE ROY CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) how many petitions for commutation of pensions are now pending before the Government;

(*ii*) whether it is a fact that a large number of such petitions have been awaiting decision for a good length of time; and

(*iii*) whether priority is strictly observed in dealing with these petitions?

(*b*) Are the Government considering the desirability of taking steps for speedy disposal of these petitions?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) (*i*) and (*ii*) The number of applications pending on the 1st February, 1939, was 1,014, received as follows:—

In 1936-37	199
In 1937-38	432
In 1938-39 (up to 31st January, 1939)	383

(*iii*) Yes.

(*b*) Rs. 8 lakhs has been provided for the purpose in the Budget for 1939-40. This is all that we were able to provide having regard to other pressing demands upon our present revenues.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether the applications received during the years 1936-37 and 1937-38 can be cleared off by 8 lakhs in this year's budget?

The Hon'ble Mr. NALINI RANJAN SARKER: I think so.

Hostels for girl students.

*119. **Mr. ATUL KRISHNA GHOSE:** Is the Hon'ble Minister in charge of the Education Department considering the desirability of

(*a*) establishing a few well-equipped hostels for girl students; and

(*b*) charging a nominal rent from such students?

The Hon'ble Mr. A. K. FAZLUL HUQ: There is at present no scheme before Government for the establishment of such hostels but the Calcutta University has a proposal under its consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that on the floor of the House several lady members on both sides of the Assembly and also outside have claimed the necessity for providing hostels for girl students in Calcutta?

The Hon'ble Mr. A. K. FAZLUL HUQ: Outside is not a matter for consideration here But if it was done inside the House everybody knows it.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Minister consider the desirability of investigating into the urgency of this problem?

The Hon''ble Mr. A. K. FAZLUL HUQ: That I am prepared to do.

Improvement of Bakarganj Bil areas.

*120. **Mr. ABDUL WAHAB KHAN:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware —

(*i*) that tracts of *bil* areas namely Satla, Jetla, etc., in the district of Bakarganj have no drainage, canal or embankment; and

(*ii*) that there has been continued failure of crops in that district?

(*b*) Are the Government considering the desirability of undertaking a comprehensive scheme for the agricultural improvement of the said *bil* area?

(*c*) Has the attention of the Government been drawn to the agitation as well as to the representations that are being made by the people of these areas for a long time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) I am informed that there is an outlet from the Satla *bil* through the Sarupkati *khal* and that there is no embankment in the neighbourhood. I have been unable to locate the Jetla *bil*

(*ii*) I have no information to this effect.

(*b*) The attention of the honourable member is invited to the reply which I gave on the 25th August, 1938, to part (*f*) of his starred question No. 226.

(*c*) I have not received any such representations.

Mr. ABDUL WAHAB KHAN: With reference to question (*a*) (*ii*) and the answer thereto, will the Hon'ble Minister be pleased to state whether he made the necessary enquiries through the District Magistrate or otherwise for this information?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Certainly an enquiry was made through the local officers of the department but I believe not through the Collector.

Mr. JOGENDRA NATH MANDAL: Will the Hon'ble Minister be pleased to state whether the Government are aware that the people of that *bil* area have been trying to draw the attention of the District Magistrate and the District Board of Bakarganj to their untold miseries caused by the failure of crops, due to non-existence of any embankments there?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may state here for the information of the honourable members that Government are aware of the drainage difficulties of the area and we are certainly trying our best to find out its remedy.

Mr. JOGENDRA NATH MANDAL: We are told that the District Magistrate of Backarganj has drawn the attention of Government by submitting a comprehensive scheme for the construction of an embankment and drainage system in the *bil* area of Satla—are the Government aware of this?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have no information.

Mr. ABDUL WAHAB KHAN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether he enquired of the District Magistrate, the local district officer who is able to know whether there has been any agitation?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir, as I have not received any representation

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state, if there has been continued failure of crop, how he can obtain information without an enquiry from the District Officer or the District Agricultural Officer?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, the answer to which the honourable member is referring concerns another department, and my department is only aware of the drainage difficulty of this area, and we are trying to find out the ways and means for improving it.

Mr. ABDUL WAHAB KHAN: I submit, Sir, that so far as I can remember, I sent this question to the Agriculture Department and I do not know how it went to the Minister for Communications and Works

Deterioration of public health of Faridpur.

***121. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware of the silting up of the—

(*i*) Chandana river;

(*ii*) Kumar river; and

(*iii*) canals called the Amgram *khal*, the Mustafapur *khal*, and Bajitpur *khal*, in the district of Faridpur?

(*b*) Is the Hon'ble Minister aware that the mouths of the canals referred to in (*a*) (*iii*) have been blocked by the pillars and plates of the lock and sluice gates standing at those mouths?

(*c*) Is the Hon'ble Minister also aware—

(*i*) that the public health of Faridpur district has undergone deterioration; and

(*ii*) that malaria and kala-azar are prevalent in the district of Faridpur?

(*d*) Has the Hon'ble Minister considered it desirable to take any steps for the improvement of the rivers and canals referred to in (*a*).

(*e*) Do Government propose taking steps for the improvement of the public health of Faridpur at an early date?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) and (*ii*) Yes.

(*iii*) No.

(*b*) I do not agree that the construction of locks and sluices across some of the side *khals* has affected their regime.

(*c*) and (*e*) There is nothing to show that public health has been affected by the silting up of these rivers. The matter will however receive the attention of the Public Health Department.

(*d*) The hon'ble member is referred to the reply given on the 8th April, 1938, to clauses (*e*) to (*g*) of his starred question No. 503 A.

Mr. PROMATHA RANJAN THAKUR: With reference to answers (*c*) and (*e*), is the Hon'ble Minister aware that due to the silting up of these rivers water-hyacinth nuisance is growing more and more and it is affecting the health of the people of the locality?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes. I agree that there has been a general deterioration. But what I mean by my reply is that it is very difficult to ascribe it solely to the deterioration of the river.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state whether he is aware that the canals referred to in (*a*) (*iii*) were flowing throughout the year before the lock and sluice gates were put up at the mouth of the canal?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That may be so.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that at the mouths of these canals owing to these lock and sluice gates the mouth portion has been raised up so that water cannot pass out to the river or go into the canal from the river?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: In my reply I have depended entirely on expert opinion.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that due to the silting up of the Chandana river the people of about 100 villages on the two sides of the river are being seriously stricken with malaria during the last two years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is a fact that generally rivers in Bengal are deteriorating, and that may be one of the causes

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that kala-azar is playing havoc in the villages on both sides of the river Chandana during the last two years?

Mr. SPEAKER: That question does not arise

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of drawing up a scheme for the resuscitation of the river Kumar and the mouths of those canals and the river Chandana?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: We are considering generally the question of improving the waterways of the province

Employees in the Sunderbans Forest Division.

*122. **Mr. PATIRAM ROY:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing—

(*a*) the number of employees (rank by rank) at present serving in the Sunderbans Forest Divisions,

(*b*) the total number of employees (grade by grade) from the caste Hindus, Scheduled Castes and the Muhammadans, serving in the said forest divisions;

(*c*) the total number of employees recruited during the session 1938-39 from the caste Hindus, Scheduled Castes and the Muhammadans; and

(*d*) the different districts to which the said recruited employees belong to?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): A statement is laid on the Library table.

Peasants of the forest area in Chittagong district.

*123. **Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) what immediate steps, if any, does he propose to take to mitigate the sufferings of the poor peasants residing near the forest areas in the district of Chittagong;

(*b*) what is the result of the Hon'ble Forest Minister's visit to Chittagong during the month of December, 1938; and

(*c*) what are the recommendations of the conference of the M.L.A.'s of Chittagong with the Conservator of Forests?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Government are considering what concessions, if any, can be granted to the poor peasants of the locality in question

(*b*) No decision has as yet been arrived at.

(*c*) It was an informal conference No definite recommendations were formulated at the conference.

Tuition fees of girl students.

*124. **Mr. ATUL KRISHNA GHOSE:** Is the Hon'ble Minister in charge of the Education Department considering the desirability of lowering the class fee and examination fee of the girl students for spreading female education in the province?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, there is no such proposal under the consideration of the department. But increased provision has been made in the Budget for grants to Girls' Secondary Schools for the spread of female education.

Mr. ATUL KRISHNA GHOSE: Increased provision for grants to Girls' Secondary schools does not necessarily give facilities to poor girl students. In view of that fact will the Hon'ble Minister consider seriously whether he will take up the matter or not?

Mr. SPEAKER: Which matter?

Mr. ATUL KRISHNA GHOSE: The Hon'ble Minister says that there is no such proposal under the consideration of the department. But increased provision has been made in the budget for the spread of female education. My supplementary question is this—in view of the fact that this increased provision for grants to girls' schools does not give facilities to poor students, will the Hon'ble Minister take up the matter seriously?

Mr. SPEAKER: How does that question arise?

Mr. ATUL KRISHNA GHOSE: I beg to submit that the Hon'ble Minister stated in his reply that increased provision has been made in the budget for grants to girls' secondary schools for the spread of female education. My point is that if no provision is made for tuition fees for poor girl students, how can he expect to spread female education? I would like to draw the Hon'ble Minister's attention from that point of view.

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say as regards examination fees. But as regards other matters I shall enquire.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that hostel charges, class fees and examination fees are so heavy that practically speaking they retard the progress of female education as a whole?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is a matter of opinion.

Appointment in the posts of Sub-Registrars in Bengal.

*125. **Mr. ABUL HOSSAIN AHMED:** Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state separately, district by district, the number of appointments made in the posts of Sub-Registrars in Bengal from the different districts of the province since the present Ministry has come in power?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement is laid on the table.

Statement referred to in answer to starred question No. 125.

Dinajpur	... 1
Pabna	... 1
Bakarganj	... 2
Dacca	... 2
Faridpur	... 4
Calcutta	... 1
Chittagong	... 2
Noakhali	... 3
24-Parganas	... 1
Murshidabad	... 3
Midnapore	... 2

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state whether it is a fact that while making these appointments some districts have been favoured too much while others have not been touched at all?

(No answer.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble the Chief Minister be pleased to state how many of these appointments have gone to the Scheduled Castes, caste Hindus and Muslims?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would like to have notice, Sir.

Mr. PRAMATHA RANJAN THAKUR: Sir, I did not get any answer to my question

Mr. SPEAKER: What was your question?

Mr. PRAMATHA RANJAN THAKUR: My question was why in the matter of distribution of appointments some districts have been favoured too much while others have not been touched at all.

Mr. SPEAKER: You can ask whether it is a fact. What is your fact?

Mr. PRAMATHA RANJAN THAKUR: The Hon'ble the Chief Minister in his reply has said that in Dinajpur one appointment has been made; in Pabna one; and so on; while other districts have not been mentioned at all. For example, from Mymensingh, the biggest district in the province, no candidate has been taken. Was no candidate available from that district?

The Hon'ble Mr. A. K. FAZLUL HUQ: In making these appointments various considerations have got to be taken into account. Some of the appointments are made on the recommendations of Divisional Commissioners; some of those of the Inspector-General of Registration in consideration of the services rendered by the applicants' families; and some appointments are made direct by Government. In making these appointments, which are made on the district basis, the claims of districts which had not been provided for in the past are also taken into consideration. If there are two candidates with equal claims coming from two districts and if it is found that one district has been provided for in the past year or so, then the appointment is usually given to the other district. No comparison can be made unless statistics are collected of appointments made of candidates belonging to the various districts in previous years, nor can any idea be formed whether any particular district has been favoured or not. As a matter of fact, I am unaware of any favouritism in these appointments.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, in view of his answer just now given, the number of posts that have been given on the recommendations of Divisional Commissioners, the number that has been otherwise given on the recommendations either of the Hon'ble the Chief Minister or other Ministers or members of the legislature?

The Hon'ble Mr. A. K. FAZLUL HUQ: In the case of these appointments, they are made on the recommendations of Divisional Commissioners in consultation with Collectors and on those of the Inspector-General of Registration, and so no appointment was made by the Government as such.

Dr. NALINAKSHA SANYAL: My question was: how many of these officers were appointed on the recommendations of the Divisional Commissioners as mentioned by the Hon'ble the Chief Minister and how many have been otherwise appointed, *i.e.*, on the recommendation of the Hon'ble the Chief Minister, other Hon'ble Ministers or members of the legislature, or things like that. The appointing authority is not the subject-matter of my question.

The Hon'ble Mr. H. S. SUHRAWARDY: Hon'ble Ministers do not make any recommendations.

Mr. TULSI CHANDRA GHOSWAMI: Oh! oh!

(Cries of "Oh, oh!" from Congress Benches.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Once again I want to inform the House that it is not possible for me to enlighten the House unless I have notice, but I can say this much in addition to what I have already said that some of the appointments were made on the recommendations of the Divisional Commissioners while the rest were made on those of the Inspector-General of Registration; and the whole of this list was sent to the Public Services Commission and only candidates approved by the Public Services Commission have been appointed.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state how many candidates from Mymensingh have been recommended by the Commissioner of the Dacca Division this year?

The Hon'ble Mr. A. K. FAZLUL HUQ: I can't say that off-hand.

Mr. SANTOSH KUMAR BASU: With reference to the answer which has just been given by the Hon'ble the Chief Minister, viz., that some of these appointments were made in consideration of services rendered to Government, may I ask what kinds of services are contemplated?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as the Registration Department is concerned, the services referred to are those rendered by deceased Sub-Registrars or District Sub-Registrars or by those who served in the Registration department - the service being departmental service, not political service.

Babu KSHETRA NATH SINCHA: Will the Hon'ble Minister be pleased to state whether any candidate from the district of Rangpur was recommended by the Divisional Commissioner and that instead of that candidate another candidate belonging to the scheduled castes was taken in from the district of Pabna, though no nomination for him was sent up to Government by the Divisional Commissioner?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice, Sir.

Babu NARENDRA NARAYAN CHAKRABARTY:

মাননীয় মন্ত্রীমহাশয় কি দয়া কোরে জানাবেন যে পাবনা থেকে যে ব্যক্তিকে নেওয়া হয়েছে তার সঙ্গে এই সভার সদস্য শ্রীযুক্ত মধুসূদন সরকারের সঙ্গে সম্বন্ধ আছে কি না?

The Hon'ble Mr. A. K. FAZLUL HUQ:

আমি মহাশয়কে বোঝতে পারি আমার সঙ্গে কোন সম্বন্ধ নাই।

Babu NARENDRA NARAYAN CHAKRABARTY:

মন্ত্রীমহাশয় এটাকে নিজের গায়ে টেনে নেবার জন্য এত ব্যস্ত কেন? আমার জিজ্ঞাস্য হচ্ছে পাবনা থেকে যাকে নেওয়া হয়েছে পাবনা জেলার সদস্য মহ্‌সুদন সরকারের সঙ্গে তার কোন সম্বন্ধ আছে কি না?

বাংলা ভাষা আপনি এত কম বোঝেন কেন?

The Hon'ble Mr. A. K. FAZLUL HUQ:

আমি এত বড় বাংলা বুঝি না, বরিশালের বাংলা বুঝি।

Babu NARENDRA NARAYAN CHAKRABARTY:

আমি এবারে খুব স্পষ্ট কোরে বোঝাচ্ছি—পাবনা থেকে যে লোককে নেওয়া হয়েছে—এই পরিষদের সদস্য শ্রীযুক্ত মহ্‌সুদন সরকারের সঙ্গে তার কিছু সম্পর্ক আছে কি না?

The Hon'ble Mr. A. K. FAZLUL HUQ: May or may not be. তা থাকলেও থাকতে পারে।

Mr. RASIK LAL BISWAS:

ফরিদপুর থেকে যে সমস্ত ব্যক্তিকে নিযুক্ত করা হয়েছে—তার ভিতর একজনের আমাদের হাউসের সদস্য মিঃ বিরাটচন্দ্র মণ্ডলের সঙ্গে আত্মীয়তা আছে কি না—মন্ত্রীমহাশয় দয়া কোরে বোঝবেন কি?

The Hon'ble Mr. A. K. FAZLUL HUQ:

আমার যতদূর মনে হয়, না। আত্মীয়তা নাই।

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Rules for personal attendance of licensees in foreign liquor shops.

41. Mr. BANKU BEHARI MANDAL: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state what are the reasons for introducing rules for personal attendance of licensees in foreign liquor shops?

(*b*) Has any exception been made in the case of registered companies in this respect?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Minister aware—

(*i*) that non-Indian licensees have in most cases converted their liquor shops into registered companies; and

(*ii*) the Indian licensees who have not so done, are likely to suffer from the promulgation of the said rules?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) The reason for introducing rules for personal attendance of licensees in foreign liquor shops were—

(*i*) mismanagement of shops chiefly with regard to the accounts which were frequently inaccurate and in arrears;

(*ii*) inattention of the licensees to their business and to the necessity for the maintenance of adequate stocks; and

(*iii*) frequent absence of the licensees from their shops.

(*b*) Yes.

(*c*) (*i*) Most of the non-Indian licensees were previously registered companies. But they have to appoint managers approved by the Excise authorities, who are responsible for the accounts.

(*ii*) The answer is in the negative.

Mr. SYED JALALUDDIN HASHEMY: In view of the answers given in (*a*)(*i*), (*a*)(*ii*) and (*a*)(*iii*), will the Hon'ble Minister be pleased to consider the desirability of arranging sale of foreign liquor departmentally in the economic interests of Government?

Mr. SPEAKER: That question does not arise.

Accommodation in Salimullah Muslim Hall, Dacca.

42. Maulvi MD. ABDUL HAKIM VIKRAMPURI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the present number of Muslim students of the Salimullah Muslim Hall, Dacca; and

(*ii*) the number of seats allowed in the Hall?

(*b*) Is it a fact that the number of Muslim students in the Hall has increased to the number of about 600?

(*c*) Is it a fact that there is accommodation for 284 students only?

(*d*) Is it a fact that boys seeking admission cannot be taken in for want of accommodation?

(*e*) Is the Hon'ble Minister considering the desirability of erecting shortly a separate Hall for the accommodation of Muslim students?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 622 in November, 1938: of this number, 348 were resident and 274 attached.

(*ii*) 285 in the main Hall, while 65 students were accommodated in the University main building.

(*b*) Yes.

(*c*) and (*d*) There is accommodation for 285. It is obvious that it is impossible to admit a large number of students in excess of this limit.

(*e*) Government have decided to make a grant to enable the University to construct another Muslim Hall for Muslim students, and necessary funds for this purpose are being provided in the Budget.

Unauthorised trade of private cars.

43. Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that in Calcutta a large number of private cars are plying for hire;

(*ii*) that a few months back for prevention of this unauthorised trade of pirate cars, a Special Officer was deputed but withdrawn by the department before the taxi people were benefited; and

(*iii*) is the Hon'ble Minister considering the desirability of appointing a special staff for detection of pirate car cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*i*) No.

(*ii*) A Special Officer was deputed and a number of cases detected, sent up and convicted. The Secretary, Calcutta Taxi Association, has written in admitting that the taxi people have benefited by the action taken.

(*iii*) No.

Silting up of the Lower Kumar and the tributary of the Padma.

44. Mr. SURENDRA NATH BISWAS: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the Lower Kumar and the tributary of the Padma running down Naria, Palong and Angaria which had so long been the main means of communication in the subdivision of Madaripur have almost silted up affecting communication, trade and commerce?

(*b*) Do the Government propose taking any steps to improve the said communication?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) The Lower Kumar river is silting up. Some long shoals have recently formed in the Palong Nalla, which flows past Naria, Palong and Angaria.

(*b*) A scheme for the resuscitation of the Lower Kumar river is under preparation. A few bad shoals in the Palong Nalla have been dredged and the situation will be watched during the next flood season.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that owing to the silting up of the Lower Kumar, Government have been losing a huge amount of revenue for the last 8 or 10 years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is more than I can say.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to enquire whether Government are losing revenue owing to the silting up of the Lower Kumar?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I would refer the honourable member to the Revenue Department.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that steamers cannot ply in the river down Naria, Palong and Angaria during the winter season for the last 5 or 6 years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is so.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that the people of that quarter are suffering a good deal of inconvenience for their inability to come to the headquarters at Madaripur for attending court and other business owing to the river being not navigable?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when have the Government taken up the drawing up of the scheme for the resuscitation of the Lower Kumar?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think recently.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state for how many years the matter is under consideration?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am sorry it is difficult to give off-hand any idea of time.

Attachment of estates under Cess Act in Rangpur.

45. Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state in respect of the Rangpur district since the 1st April, 1937—

(*a*) the names of the estates attached under section 99 of the Cess Act;

(*b*) the amount of arrear cess for which each of the estates was so attached;

(*c*) the amount of arrear revenue in each case at the time of passing the attachment order;

(*d*) the amount of money collected in each case by attachment;

(*e*) how was the surplus money after liquidating the arrear cess utilised in each case;

(*f*) the names of the estates that are still under attachment; and

(*g*) the amount realised by certificate procedure in each case under the Bengal Public Demands Recovery Act?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Babanpur estate (comprising 8 *tauzis*, viz., 198, 368, 654, 656, 657, 692, 693 and 751).

(*b*) Rs. 12,092-7-8.

(*c*) Rs. 18,600-8-9.

(*d*) Rs. 23,270-9-3.

(*e*) There is no surplus. On the other hand the arrear cess demand has not yet been paid fully as land revenue and cesses falling due subsequent to the attachment together with the cost of collection had to be paid out of the money realised.

(*f*) The aforesaid estates only.

(*g*) Rs. 1,908-6-2.

Appointments in Industries Department.

46. **Mr. FAZLUR RAHMAN (Mymensingh):** (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to lay on the table a statement showing—

(*i*) the names of the new schemes launched by him—

(1) from the date of his acceptance of office up to 31st March, 1938, and

(2) from 1st April, 1938, to 31st January, 1939; and

(*ii*) the number of appointments made in (*i*) (1) and (2) showing the designation, scale of pay, number of incumbents—Hindus and Muslims, nature of service and method of recruitment?

(*b*) Were the posts of the various schemes advertised?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state reasons thereof?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) the net allotment of each of the schemes launched;

(*ii*) the date from which they were given effect to; and

(*iii*) the resultant benefit to the province?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) and (*d*) (*i*) and (*ii*). A statement is laid on the Library table.

(*b*) and (*c*) Yes. The posts were advertised except in a few special cases in which appointments were made from the existing staff of the department trained in similar work or from the list of technically qualified men maintained by the department.

(*d*) (*iii*) It is not possible to assess the resultant benefit from these schemes before they have been in operation for at least three years.

Short-notice question.

Mr. JOGESH CHANDRA GUPTA: Sir, I gave notice of a question of urgent importance and I wonder if the Hon'ble the Minister in charge of the Home Department will answer my question.

The Hon'ble Khwaja Sir NAZIMUDDIN: The question was sent to Writers' Buildings after 1 p.m. and I got it at 4-25 p.m. I am prepared to answer this question to-morrow.

Mr. TULSI CHANDRA GOSWAMI: Sir, it is a very serious matter. The situation that has been created by the publication of a letter of the Hon'ble the Chief Minister is very serious, for this reason that the apprehension of ill-treatment at the hands of the Hon'ble the Chief Minister and his colleagues is strong among the Hindu officers of the Government. As the world knows, and all my friends know, I am not speaking, and I am not prone to speak, in a spirit of communalism; but the spirit in which that letter is couched is a spirit which we must all condemn, and I had hoped that the Home Minister and the Chief Minister would be prepared to answer the questions that have been tabled by my friend Mr Jogesh Chandra Gupta. After all, the publication took place about 2 days ago and he must have at any rate anticipated that a question would be placed before the House to-day at the earliest opportunity. I do not know why either the Home Minister or the Chief Minister is not ready to answer. If the Home Minister wishes to answer to-morrow, I have no objection

djournment Motion.

Mr. JOGESH CHANDRA GUPTA: May I have your permission under the circumstances to move that the business of this House do adjourn to discuss a definite matter of urgent public importance, namely, the expression of want of confidence and the charge of disloyalty levelled against the Hindu officers in the province of Bengal by the Hon'ble the Chief Minister, and the inevitable discontent and demoralisation of the officers which is bound to seriously affect the administration of this province?

Sir, I have your consent in my hand and I have already handed over to you the statement of facts in support of this resolution

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. In view of the fact that Government are prepared to answer this short-notice question, is it eligible for the honourable member to move this adjournment motion because the Hon'ble Speaker has more than once stated that if a short-notice question is accepted, then the question of an adjournment motion does not arise as the matter is already being dealt with?

Mr. JOGESH CHANDRA GUPTA: I expected, but I now find I expected in vain, that the Home Minister would take the earliest opportunity to make a statement in this House so that without any delay the officers of Government would realise that they were not under a ban, but though Government want to hurry up other things in this

House without giving any opportunity to the Opposition, in a matter like this which affects the administrative efficiency, the Treasury Benches are neglecting to give an answer though I gave them sufficient notice. Hence I am forced to bring this adjournment motion.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have just had the opportunity of going through the questions that have been put. I am prepared to answer here and now the questions that have been put by Mr. J. C. Gupta. I am also prepared to make a statement if the adjournment motion is debated in this House.

Sir, I do realise that a statement from me is essentially necessary and I will welcome an opportunity of doing so, whether that opportunity is given to me by a debate on an adjournment motion or by answer to questions that have been put.

Mr. SPEAKER: Mr. Gupta, have you any objection to the Hon'ble the Chief Minister giving an answer?

Mr. JOGESH CHANDRA GUPTA: The answers are to be given by the Hon'ble the Minister in charge of the Home Department. Now, Sir, he has not given an answer and therefore I have been compelled to move the adjournment motion.

Mr. SPEAKER: Will you be satisfied if the Hon'ble the Chief Minister answers the questions?

Mr. JOGESH CHANDRA GUPTA: We want a discussion on the adjournment motion which I have moved.

Mr. SPEAKER: I am afraid, in a matter like this it would be better if both sides came to an agreement, because this is really a matter in which I would personally much prefer avoiding any discussion in this House, if possible. But since that has not been done, I feel I have merely to perform my part of the duty as to whether this motion is in order or not. I have myself given very careful consideration to this matter and I think that it is a matter in which before I give my decision the Home Minister may have something to say as regards the question of admissibility.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing more to add to what I have already said.

Mr. SPEAKER: In view of the fact that the issue is one of definite importance and concerns matters of recent occurrence, I feel that so far as the rules stand, the motion seems to be in order. I will read the motion. It runs thus:—

"The business of this House do adjourn to discuss a definite matter of urgent public importance, viz., the expression of want of confidence and the charge of disloyalty levelled against the Hindu officers in the Province of Bengal by the Hon'ble Chief Minister and the inevitable discontent and demoralization of the officers which is bound to seriously affect the administration of this Province."

The language in which the motion is couched seems to be in order and I would therefore see as to whether Mr. J. C. Gupta has the leave of the Assembly for this adjournment motion.

I would ask the House whether there is any objection. [Cries of "we object" from the right.]

As there is objection I ask those who are in favour of this motion to kindly stand on their seats.

(Requisite number of members having risen in their seats.)

I now fix half past six to-day for the discussion of this motion.

Point of Order.

Dr. NALINAKSHA SANYAL: May I rise on a very important point of order? It relates to the functioning of the Council of Ministers and *ipso facto* of the business of the House itself so long as these Ministers remain. May I draw your attention to sections 49 and 50 of the Government of India Act? Section 49 relates to the executive authority of the province. The executive authority of the province is to be exercised on behalf of His Majesty by the Governor. I would like to draw your attention to the fact that there is no mention in the Act of the Ministers functioning as the executive authority, and His Excellency the Governor can direct some officers subordinate to him to exercise that authority without any reference to the Ministers.

Coming to section 50, I find that the Ministers are only to aid and advise the Governor in the exercise of his function. The functions are to be exercised by the Governor himself and the Ministers are there merely to aid and advise him. I would just recall that on the 23rd of February at 10-48 a.m. His Excellency Lord Brabourne expired. From the 23rd morning to the 24th afternoon when the new Governor took office there was no Governor in the Province, and therefore there had been an interegnum and the advisers of the Governor therefore automatically ceased to exist.

I would draw your attention to the procedure in this respect in the British House of Commons as well as in the Dominions. Sir, as you may be aware, in Great Britain an emergency of this nature is contemplated and there is a provision for a Regency Council. In the Dominions, it is expressly provided that in case such an emergency happens, the Chief Justice of the Dominion assumes automatically the position of the acting Governor.

Mr. SPEAKER: What is the relevancy of this matter?

Dr. NALINAKSHA SANYAL: To-day if the Ministers are not functioning, Government business cannot be taken up, because Government business is a business which is carried on on the advice of the Ministers. That is my difficulty.

I would draw your attention to section 304. Section 304 contemplates the provision of acting Governors-General and acting Governors. There it is definitely provided that any acting arrangement has to be made by Royal Sign Manual by His Majesty himself. There is no provision for any intermediate arrangement at all and the commission by Royal Sign Manual came only on the following day, namely, on the afternoon of 24th. So there is absolutely no doubt that between 10-48 a.m. on the 23rd and the afternoon of 24th there was no Governor nor was there any acting Governor and therefore the Ministers could not advise anybody and they ceased to exist. I can conceive of a situation like this when they would have to——

Mr. SPEAKER: What is your point?

Dr. NALINAKSHA SANYAL: My point is that the Government of India Act which has contemplated the position of acting Governor does not provide for any situation when there will be no Governor. On the contrary, in the Instrument of Instructions——

Mr. SPEAKER: What is the relevancy of it to-day?

Dr. NALINAKSHA SANYAL: If the Ministers have ceased to function for two days, they have not yet been properly reappointed. They have not taken their oath of allegiance anew. Therefore, Government business cannot go on.

Mr. SPEAKER: Dr. Sanyal, I hope you will realise that it is impossible to deal with a question like this off-hand. I shall be very glad if you will give me a note on this point. I will give my decision

after that. For the time being I request you to give me a note either to-day or to-morrow morning to enable me to give a ruling on the point you raised. It is a difficult point of order.

Dr. NALINAKSHA SANYAL: Sir, my difficulty is that to-day some important decisions might be taken. If you give me an assurance that any decision taken to-day, in view of any ruling that might be given to-morrow would be nullified, I am prepared to wait. Otherwise the proper course would be to postpone it.

Mr. SPEAKER: I think the Government of India Act is quite comprehensive to deal with a matter like this. I will explain that later.

SUPPLEMENTARY DEMAND.

The Hon'ble Mr. NALINI RANJAN SARKER: I rise to present the supplementary statement of expenditure that may be necessary during this year. The total amount concerned is 34 lakhs 8 thousand of which 31 lakhs 19 thousand is voted and 2 lakhs 89 thousand is charged. Out of this amount 18 lakhs will be given as agricultural loan and 6½ lakhs for gratuitous relief and test work. The reasons for excess expenditure have been given in the explanatory memorandum.

GOVERNMENT BILL

Calcutta Municipal (Amendment) Bill, 1939.

Mr. SARAT CHANDRA BOSE: May I rise on a point of order? You have just now announced that you will now take up the Calcutta Municipal (Amendment) Bill. I am rising on a point of order that the debate on the Calcutta Municipal Bill cannot proceed to-day. I realise that to-day is a day fixed for official business and if the Calcutta Municipal Bill is sought to be taken up it has got to be introduced to-day and the reason why I say it is this: I indicated this on the last occasion when I raised my point of order as regards the business to be done on the 28th February last. In connection with that I submit it to you that on the 23rd February a circular No. 2218(250) was issued by the Secretary to the Assembly in these terms:—

"In supersession of previous orders I am desired to inform you that there will be no meeting of the Bengal Legislative Assembly on the 24th February and that on the 27th February, 1939, the following Government business shall be taken up in the Assembly in the order specified below instead of non-official resolutions as previously notified."

Sir, I do not know under whose authority the Secretary to the Assembly issued this circular but I do maintain that this circular was entirely unauthorised if you consider the provisions of the statute and the rules made thereunder, and the circular was *ultra vires*. In pursuance of that circular no discussion in this Assembly could proceed with regard to any official business and my reasons are these:—

I may draw your attention to rule 16 under which the late Governor acted and issued his directions that the 27th and 28th February, 1939, were to be non-official days. That circular was in force until the moment of the death of the late Governor and there was no authority in this province which could override that circular. I say without fear of contradiction that between 10-48 a.m. on the 23rd February and about 4 p.m. on the 24th February, 1939, there was no Governor in this province, and under the statute and the rules made thereunder it is only the Governor who has the power, if at all—and I make this submission without prejudice to the submission I have already made that the Governor, once he makes an allotment, has no power to change that allotment. But even assuming he had the power I say there was no Governor in this province between 10-48 a.m. on the 23rd February and 4 p.m. on the following day, who could override the circular which was issued on the 30th January last.

In those circumstances this House could not meet on the 27th February to transact official business. If this House could meet at all on the 27th February, it could only transact non-official business because so long as the circular, dated the 30th January stood, only non-official business could be transacted. I have heard a whisper that this point is a point of irregularity and therefore once the irregularity is committed there is no help for it. I submit that that is an entire misreading of section 87 of the Statute, I mean the Government of India Act, 1935. That section, as you will no doubt remember, was enacted to do away with the effect of a decision of the High Court—a decision I may add parenthetically which I had the honour to obtain—injuncting the then President from proceeding with certain business. It was in order to do away with the effect of that decision, in order to do away with the power of the High Court to interfere with the proceedings of the Legislature, that this section 87 was enacted in order that the courts may not have the power to enquire into the proceedings of the Legislature. But that is an entirely different matter. The question is the irregularity of the proceedings and the enquiry into the irregularity by the Legislature itself and by the Speaker as the authority vested with the power to enquire into that irregularity. That is a matter, Sir, you are enquiring every day. Points of Order have been and are being raised before you and you are deciding questions of irregularity. There is nothing in the Government of India Act which

does away with the power of the Speaker or the power of the Legislature to deal with questions of illegality and irregularity in the proceedings of the Legislature itself. And I say, Sir, having regard to that fact, there can be no doubt in my humble submission that the circular of the 30th January stood and was in force on the 27th of February and in pursuance of that circular only non-official resolutions could be taken up.

For these reasons, I submit my point of order for your decision. And to summarise, my point of order is this. There can be no debate to-day, in continuation of a debate alleged to have taken place on the 27th February. If the Calcutta Municipal (Amendment) Bill is to be proceeded with, it must be proceeded with as a new business, as a fresh business, for this day and not as a continuation of business which was transacted on the 27th February last.

Mr. SPEAKER: I am not clear on one point. Do you mean to say that the proceedings which we had on the 27th were illegal?

Mr. SARAT CHANDRA BOSE: Entirely illegal and *ultra vires*.

Mr. SPEAKER: If that is so, then the matter of illegality is one which we cannot decide but should be left to the court to decide.

Mr. SARAT CHANDRA BOSE: It is a matter which we have to decide and which you should decide as Speaker, having regard to the point of order that I have raised of irregularity and of illegality

Mr. SPEAKER: As a matter of fact I am not going into the question except in regard to one point which has been raised by Mr. Bose. Mr. Bose's contention is that the proceedings which we had last week were illegal on certain grounds. I am not dealing with the question as to whether those grounds are correct or not, because it is not desirable for me at this stage, after the proceedings have been finished, to enter into the question as to whether those facts on the basis of which this contention is being raised are correct or not. I am for the time being only concerned in deciding whether the illegality of the proceedings is a matter in which the Speaker has a right to intervene at a later stage. I feel—and I think that this has also been the established convention all over India—that in a matter where there is an illegality of proceedings, it is ordinarily beyond the scope of the Speaker to intervene. Otherwise there would be a conflict of jurisdiction between the courts and the Speaker in case the Speaker assumes upon himself the responsibility of deciding the matter of legality or illegality instead of leaving it to the courts to

decide whether the matter is illegal. Apart from that, in view of the Act and in view of the past convention I feel that the Speaker's power is not adequate to give any relief. I repeat that if Mr. Bose thinks that it is a question of illegality I cannot give any relief on that ground because I feel that the Speaker is not ordinarily competent to give a ruling where there is a question of illegality of the proceedings.

Maulvi ABU HOSSAIN SARKAR: On a point of order, Sir, I submit that the Calcutta Municipal Bill as it is drafted falls within the province of the special responsibilities of His Excellency the Governor-General of India. Section 12 of the Government of India Act says that "in the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say: (*c*) the safeguarding of the legitimate interests of minorities."

Then I would draw your attention to section 52(*1*)(*b*) which says "the safeguarding of the legitimate interests of the minorities also falls within the province of the special responsibilities of His Excellency the Governor of Bengal," also. Now, Sir, as regards the claim of the Mahomedans to have the privilege under the Calcutta Municipal Act to participate in voting on a joint electorate system——

Mr. SPEAKER: But Mr. Sarkar, can you point out the section where in a matter in which the Governor has a special responsibility the Legislature cannot function?

Mr. ABU HOSSAIN SARKAR: I draw, Sir, your attention to section 52, sub-section 3, which says: "so far as any special responsibility of the Governor is concerned, he shall, in the exercise of his function, exercise his individual judgment." With this I read section 90 of the Government of India Act, viz.: "If at any time it appears to the Governor that for the purpose of enabling him satisfactorily to discharge his function in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, it is essential that provision should be made by legislation; he may by message to the chamber or chambers of the legislature explain the circumstances which in his opinion render legislation essential and either enact forthwith as a Governor's Act a Bill containing such provisions as he considers necessary, or attach to his message a draft of the Bill which he considers necessary."

Here when anything will come within the province of special responsibility of the Governor, he will either enact a measure himself or attach to his message a draft Bill to the House for consideration.

Now, Sir, again I draw your attention to section 108 of the Government of India Act which says: "Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be

introduced into, or moved in, either chamber of the Federal Legislature, any Bill or amendment," and I am coming to sub-section (2)—"Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a chamber of a provincial legislature any Bill or amendment which affects," etc., and again I draw your attention to sub-section (3)—"Matters in respect to which the Governor-General is by or under this Act required to act in his discretion." Now, these sections say in a nutshell, that where the Governor has got special responsibility and any enactment is required, the Governor will either himself enact it or send a Bill with a message to the House, and when it comes within the special responsibility of the Governor-General, and he is to exercise his individual judgment, there the previous sanction of that authority must be taken in order to introduce a Bill in a provincial legislature. The Bill, as it is drafted, is going to curb the power of voting of the minority community—I mean the Mahomedan community. It was their only privilege to exercise their influence on the majority community either by voting or not voting for them. So, it comes directly within the special responsibility of the Governor and the Governor-General, and unless and until their special permission is taken, the Minister-in-charge has no authority to introduce this Bill in this legislature.

Mr. SPEAKER: I think, if Mr. Abu Hossain Sarkar's contention is accepted, we will be setting up a dangerous constitutional precedent which will ultimately curb the power of the legislature to function as such. As I read the Government of India Act I find that there are certain sections under which the Governor has got power of interference, and that power of interference is only where the Governor-General or the Governor is satisfied that it is necessary for the purpose of safeguarding the legitimate interests of the minority. That is a matter which is for the Governor or the Governor-General to decide.

Dr. NALINAKSHA SANYAL: Mr Speaker, Sir, before you give your final decision, may I draw your attention to rule

Mr. SPEAKER: But there are certain other matters which fall within the special responsibilities of the Governor, viz., the prevention of any grave menace to the peace or tranquillity of the province, etc. Am I to understand that anything which affects the interests of any minority community will be a menace to the peace or tranquillity of India? That will be giving too wide a power to the Governor and the Governor-General. Similarly, the safeguarding of legitimate interest of the minority cannot be interpreted to be a matter on which no legislation can be brought before the legislature. With reference to the rights of a minority community, if that is strictly to be looked

into as is suggested, there will be an end of all legislative work, because every legislative measure may affect the interests of one minority community or another. I, therefore, hold that so far as this legislature is concerned, the legislature is fully competent to legislate in all matters unless the Governor or the Governor-General thinks that it is a matter in which his interference is necessary; and if his interference is necessary, he has got the full power under the Government of India Act to proceed in such manner as he considers necessary. So far as this legislature is concerned, the question of safeguarding the legitimate interests of the minority is a matter over which I have no power, but is one within the power of the Governor-General or the Governor. Supposing it is a relevant matter, even in that case I cannot make this legislature not to function. That is not my duty. I am the Speaker of this Assembly, and if my decision has the effect of stultifying the proceedings of this House, it will be inconsistent with my position as the Speaker of the House. It is not for me to stultify the proceedings of the House, it is for the Governor or the Governor-General by acting within the power he can exercise to take such steps as he thinks advisable.

In these circumstances, I hold that the point of order raised by Mr. Abu Hossain Sarkar has no basis to stand upon.

At this stage the House was adjourned for 10 minutes.

(After adjournment.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in view of the remarks made by you in the course of the debate, there is every likelihood of these proceedings being taken to a court of law, and, so, I would submit that Government would not be justified in taking risks and, therefore, we intend to move that the Calcutta Municipal Bill be referred to a Select Committee immediately after the adjournment motion is defeated

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I could not follow the argument of the Hon'ble the Home Minister but I would draw your attention, Sir, to the rules of procedure of the House. Section 13 states that the Speaker shall decide all points of order which may arise, and his decision shall be final. That is to say, there is no other authority than the Speaker to decide finally what should be the procedure. I would be very glad to have your decision in the same manner on important political issues like the one raised by Mr. Abu Hossain Sarkar. In fact we are anxious to do away with the Governor's special responsibility, but, placed as we are, unfortunately we have to act within the ambits of the law as it stands at present, and that law

states very clearly that unless the Governor-General in his discretion thinks fit to give his previous sanction there should not be introduced into, or moved in, either Chamber of the legislature, a Bill or amendment which affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion. That is under section 108 of the Government of India Act, 1935: not to speak of the Governor it goes right up to the Governor-General——

Mr. SPEAKER: Dr. Sanyal, I will listen to your point of order later. Let the adjournment motion be moved first.

Dr. NALINAKSHA SANYAL: As this is a point of order, may we not have it finished first?

Mr. SPEAKER: Yes, after the adjournment motion is disposed of.

Adjournment motion.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, I beg to move that this House do adjourn to discuss a matter of urgent public importance, viz., the expression of opinion by the Hon'ble the Chief Minister in regard to Hindu officers.

Sir, I do not move this motion in a spirit of anger but because I feel sympathy for the Hon'ble the Chief Minister and his associates, who are entrusted with the task of carrying on the Government of this province, that they can entertain even in moments of weakness or even in moments of exasperation a feeling of this nature.

Sir, I do not think very many words are needed from me to commend this motion to the acceptance of this House, because the insinuation is not only undeserved but entirely unworthy of a man occupying the position of the Chief Minister of this Government. He has stated: "Every day I get evidence of the disloyalty of most of the Hindu officers, and I do not know how I can manage the administration with officers who are so mentally opposed to me and to my Government."

Sir, wholesale condemnation of a community or class of people is unthinkable in an ordinary man of prudence, in a man who claims to be a responsible person. But when it comes from the Chief Minister of a province, one has got to consider what can be the effect of such a pronouncement. Government officers naturally look to the Chief Minister of the province for the time being for their betterment and for protection at his hands. But when a calumny of this nature proceeds from the head of the Government, it is easy to understand

what a demoralisation is sure to result from such a statement. Government officers—Hindu officers—if anything, why should I discriminate Hindu officers alone, Government officers as a class in this province as elsewhere in India, have been known to stick loyally to the Government of the day in spite of the Government being anti-national in character. If any aspersion is to be cast, whether it is a Hindu officer or a Muslim officer (a European officer) or a scheduled castes officer, the aspersion is that though they are Indians and even when a Government is carried on in "an anti-national spirit", they stick loyally to the Government. They are true to their salt, a little overtrue in the estimation of their own communities and Indians. But for the head of the province to level an attack of this character against the Hindu officers in the province of Bengal is the least that one could imagine. Sir, that is not all The Chief Minister has thought fit to put down in writing—I advisedly mention what is put down in black and white cannot possibly be regarded as a slip of tongue, as a thing which was said without considering pros and cons. I think I should read out the letter which is the subject matter of this discussion. The Chief Minister writing during the Puja holidays—I expect that he was enjoying the Puja holidays, in the cool atmosphere of Darjeeling—on the 18th October he was writing to a friend of his.

"My dear Shamsuddin,

I am in receipt of your letter ..." That "Shamsuddin" is not our friend the ex-Hon'ble Shamsuddin: this is Choudhuri Shamsuddin Ahmed who has not yet got to the eminence of my learned friend to the left. The Chief Minister writes thus:

"My dear Shamsuddin,

I am in receipt of your letter, dated the 27th September. I am sorry I could not reply to you earlier ....." Please mark the date—27th September and the reply was being given on the 18th October; hence it cannot be said that this letter was received and an immediate reply was sent without much thought and consideration. Then the letter goes on—

"You are entirely mistaken when you think that it is the policy of my Government to help people belonging to the Congress or to the Opposition....."

I appreciate it is almost a libel! Not even the worst enemy of the present Chief Minister will be able to say that he is in any way partial either to the Congress or to the Opposition. The days of his Mayoralty are no more: the days when the Congressmen staked their all in order to put him into the Mayoral Chair are gone out of his memory altogether.

Then the letter runs thus:—

"Such a policy would be entirely foreign to my nature. You do not know the difficulties of my Government at the present moment. I have found out that almost all the Hindu officers are encouraging people belonging to the Congress or to the Opposition, because at heart they are entirely against my Government. It is difficult for me to control more than 5,000 officers, big and small, who are at the present moment employed in the work of administration. I cannot look after every man and correct all his misdeeds. The Faridpur nominations are going to upset things entirely and I am therefore going to upset them. I propose to appoint at least two Muhammadans, one Caste Hindu and one Scheduled Castes. I shall keep your letter before me and see what I can do. If you meet Shamsuddin Khandker, you can show this letter.

Everyday, I get evidence of the disloyalty of most of the Hindu officers and I do not know how I can manage the administration with officers who are so mentally opposed to me and to my Government. I only wish that all the Mussalman members in the Assembly had united to help me instead of criticising me. You should always try to give me your help and assistance."

Sir, what is the inevitable result of a letter like this? Will it not absolutely demoralise the officers concerned? These officers who carry on their duties, much to our regret, with an eye to the pleasure of their superiors and the Ministers of Government, will certainly begin to think that whatever they will do may be disregarded, and may be looked upon with disfavour and the confidence in their ownselves, which is absolutely necessary in public officers for the discharge of their duties faithfully and well, would certainly be demolished. Sir, I have thought it my bounden duty—not because the calumny is against the Hindu officers—to bring it before this House; if such a thing was said against the European officers or the Muslim officers, I should have thought it my duty to enter my emphatic protest in this Chamber against a remark of this kind. If any of the Hindu Ministers sitting there were to have cast an aspersion upon Muslim officers or even if the Chief Minister were to have said anything against the European officers, permanent officers, I would have entered this protest. Let not my friends, particularly my honourable friend, Mr. Suhrawardy, who is looking like the Punch in the picture, very pleased and punctuating my speech by interruptions, think and let me tell him that I have not tabled this motion because Hindu officers have been touched. I feel officers serving under the Government should have protection against such calumny, whether it be levelled against Hindu, European or Muslim officers. I submit a statement like this from the head of the present Ministry bring the entire administration not only into disrepute and disgrace, but I think it does hardly any justice to the present Ministers themselves. This

is a motion which I expect will be supported by all sections in this House (Cry of "No.") I hear a cry of "No". To me this cry of "No" is much more disappointing than the letter of the Chief Minister. If I have not been able to persuade them by now about the heinous nature of the allegations made, I will not be able to persuade them any day at all. Hence I would not take up more of your time. I would expect that members from all sections of the House will warmly support the motion that I have moved to-day.

The Hon'ble Mr. A. K. FAZLUL HUQ: I rise to say a few words in reply and I do so at the earliest possible moment, because I feel that a statement from me is necessary. I also feel that discussions may embitter feelings and it is therefore in the interests of all parties concerned that I should make a statement at the earliest possible opportunity.

I am grateful to my friend Mr. J. C. Gupta, who is one of the best and one of the oldest of my friends in the Hindu community, because in spite of everything I have got Hindu friends still, that he has been kind enough to give notice of this adjournment motion and give me an opportunity of placing before the House what I feel at the present moment regarding the points that have been raised and also regarding the effect which the publication of this letter is likely to have on the Hindu officers generally. I may mention, Sir, at the outset that the motion of adjournment has been worded in a language of a very sweeping character, because even in that letter there was nothing like the charge of disloyalty against Hindu officers as such. In the statement which I released to the press on Sunday I really made my viewpoint absolutely clear. At the present moment I would amplify what I said, because I did not propose to say one word then to create unnecessarily feelings of bitterness in the minds of any section of the community whether he is a member of the Government or not.

My friend has repeated in the course of his speech the anxiety which he feels regarding the effect which the letter is bound to produce in the minds of officers in general May I point out to him that it is not the letter which may produce any effect of that kind but it is the publication of the letter- - -

Dr. NALINAKSHA SANYAL: Mischievous mentality behind that letter.

The Hon'ble Mr. A. K. FAZLUL HUQ: If you do not allow me to have my say- - -

Dr. NALINAKSHA SANYAL: Because you have been exposed.

The Hon'ble Mr. A. K. FAZLUL HUQ: The mentality is mischievous, but what about the mentality of those who pick other people's pockets, steal documents and publish them for political purposes?

Dr. NALINAKSHA SANYAL: Public men have got no other existence.

The Hon'ble Mr. A. K. FAZLUL HUQ: I will only reply to the points very briefly which have been raised by my friend, Mr. Gupta. The letter was not meant for publication and there are many things which we say to our friends, many things which we say in the privacy of our homes which, if published, may put us in an awkward position. I fully realise that after this letter had been published, feelings of Hindu officers have been naturally wounded and it is not unlikely that they have been very much perturbed at the thought that a Member of the Government should entertain opinion of the kind expressed in that letter. I have said nothing about feelings; I have said about my opinion. My opinion may have been based on good and reliable evidence or may have been entirely a mistaken opinion based on unreliable materials. Whatever they may have been, at the present moment I say nothing as regards the political leaders who wanted to make use of that letter, but I express my sincerest regret to the Hindu officers and to all officers that I was led to form an unfriendly opinion about some of them. My relations are with my officers and have nothing to do with others, and I can assure them that it was really wrong on my part to declare that they have been disloyal or that they have been thwarting the Government. It is possible that I may have acted on insufficient materials, but whether I have reliable evidence or not I am willing to forego and forget the past, and so far as these officers are concerned I give a public declaration that I am thoroughly convinced that I can rely upon them as much as upon officers belonging to other communities. I rely upon their co-operation. I appeal to them for their co-operation and I appeal to them to bear this fact in mind that during these two years I have made no distinction between Hindu and Muhammadan officers and that I have done nothing to touch a single hair of a Hindu officer. I have never done any injustice to any Hindu officer.

Dr. NALINAKSHA SANYAL: Many.

The Hon'ble Mr. A. K. FAZLUL HUQ: You know many things. It is the mentality of people like yourself which creates all these troubles.

The letter has been published with a sinister object. The letter has been published in order to humiliate me in the eyes of the Hindu officers and the point is made clear by the remarks that have been made by the "Hindusthan Standard" on my letter published in its issue of Sunday. I read out to this House certain paragraphs from the article entitled "All this meanness". This is what the paper writes——

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, you have ruled in the past that newspaper notes and editorial comments cannot be read out from newspapers, but of course newspaper news may be referred to.

Mr. SPEAKER: What is its relevancy?

The Hon'ble Mr. A. K. FAZLUL HUQ: The relevancy is that the Hindu officers themselves are not disloyal, but the kind of abuses that are pouring in the columns of Congress newspapers lead them to feel that they are really so. May I point out to the House that in commenting on that letter the paper has said that I have betrayed melancholy meanness, for, says the paper, "Mr Fazlul Huq is nothing if not a malicious foe and a false and unreliable friend". This kind of remarks has been used for two years about me and my Government and it is not surprising that Hindu officers may have wrongly thought that this Government is their enemy and it is writings like this that create such feelings in their minds.

Dr. NALINAKSHA SANYAL: What about Mr. R. K. Mitra, I.C.S., and Mr. S. Banerjee, I.C.S.?

Mr. SPEAKER: Dr. Sanyal, I am afraid if you interrupt the proceedings in this way I will have to take necessary steps under the powers which I have got. This is not the first time in which I have seen you interrupting the proceedings like this. I have seen Mr. J. C. Gupta asking you three times not to do so. I have seen that the leaders of your group do not desire you to interrupt in this manner and I am afraid, if you still go on interrupting or obstructing the proceedings, I shall have legitimate cause to exercise the power which I have.

Dr. NALINAKSHA SANYAL: On a point of personal explanation, Sir. In reply to what you have observed I only want to submit that the Hon'ble the Chief Minister referred to certain matters and I wanted to correct his memory by referring to two officers at least and I have many more who have been subjected to similar Government action——

Mr. SPEAKER: Order, Order. If you have got anything to say you can speak on relevant occasions but not at the time when the Hon'ble the Chief Minister is speaking.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as the Hindu officers are concerned I repeat once again that I not only express my regret but I offer my apology to them for what I have said. Let me express the hope that they will come forward as before to lend me all help and co-operation in carrying on the administration of the province. If at any single moment they find that I have gone away from the path of absolute rectitude and justice, it will be for them to point out, and I can assure them that I shall stake my life in order to rectify any wrong that I may have committed. If at any time they require my help, it will be freely given. Once again I express my regret, Sir. I think I need not say anything further on this subject. I hope, so far as the Hindu officers are concerned, they will take my expression of regret in the spirit in which I have uttered, and I hope that henceforward, so far as they are concerned, they will continue to give the utmost co-operation which they have been giving in the days gone by. I do not wish to say anything further, because I want to avoid everything that would tend to embitter feelings.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, it is with an overwhelming sense of responsibility and a deep sense of solemnity of the occasion that I rise to support the motion which is now before the House. I would implore the members of this House just to treat at least this occasion without that spirit of levity, without that spirit of flippancy, which occasionally mars the proceedings of this House.

Mr. ABDUL WAHAB KHAN: From which side?

Mr. SANTOSH KUMAR BASU: I shall not brook any interruption. The spirit in which I am addressing the House I hope will be reciprocated by the members opposite.

Mr. SPEAKER: I will not allow any interference with any speaker in this debate. That is definite. I think it would exasperate feelings, and our proceedings are likely to be obstructed. I hope it will not be done any more. I am very sorry that it has been done by Dr. Sanyal. I hope that his example will not be followed by others.

Mr. SANTOSH KUMAR BASU: Standing on the threshold of the reforms inaugurated under the new Government of India Act we must realise to the fullest extent the solemnity of this occasion and

the seriousness of the matter that we are debating to-day in connection with this motion. The whole spirit and purpose of the Government of India Act will be defeated, baffled, and frustrated, if permanent officials are stabbed in the back in this fashion, by the highest official or the highest Minister in this province. I would ask this House to remember what exactly is the significance of this letter which has been sent out to one of his supporters by the Hon'ble the Chief Minister. The Hon'ble the Chief Minister has thought it fit to put down in writing: "I have found out that almost all the Hindu officers are encouraging people belonging to the Congress or to the Opposition, because at heart they are entirely against my Government. It is difficult for me to control more than 5,000 officers, big and small, who are at the present moment employed in the work of administration. I cannot look after every man and correct all his misdeeds." Then he goes on, "Everyday I get evidence of the disloyalty of most of the Hindu officers and I do not know how I can manage the administration with officers who are so mentally opposed to me and to my Government."

Looking back, Sir, to the administration in this country during the last two thousand years, whether under Hindu rule or Muslim rule or European rule—I do not think, Sir, that such a libel, such an outrageous libel, has ever been uttered by any one, whether he is situated in a position of dominance or whether is more humbly situated. I would appeal to the experience of each and every one of us who can claim to have taken any part in public life, just to send back his memory to the dim distant past and to recall one single instance where Hindu officers, as such, have betrayed either the British Government or the Muslim Government, which, I understand, has once again been set up in our midst. I would appeal to my European friends who are employers on a large scale and who have had to handle intellectual labour in the shape of clerks and other officers whether they can point their finger to one single instance where disloyalty on an organized scale has been shown by Hindu officers in their employ. The administration of this country would have been impossible for years and years past, for centuries past, if Hindu officials had become disloyal to the Government whom they were serving for the time being. I submit, Sir, this is the first time in history—and history has recorded no other instance—in which a Minister, or a responsible member of a Government, has come forward with such a foul breath in his mouth or with such a calumny on the tip of his pen to black-tar with one common brush the entire Hindu community or any other community of officials in this province. I submit, Sir, that this is not a matter which can be lightly treated. We must rise to the seriousness of the occasion and show our indignation in such a manner that no other Ministry or no other Minister shall have the temerity or the hardihood of coming forward and tarring an

entire community of officials Hindu, Christian or Muslim. If the precedent laid down by our Chief Minister is followed by any other succeeding Ministry and, if the Muslim officials are similarly treated, similarly blackguarded, if I may use that expression, well, I do not know what will happen to the administration in this province where different communities live side by side with each other, and where the interests of minorities have been sought to be safeguarded under the very scheme of the constitution. If the Chief Minister goes out of his way and gives expression to such beliefs and sentiments even in a private epistle to one of the members of this Assembly (Cries of "No" "No" from the Coalition benches.) It may be or may not be to a member of the Assembly, but the Chief Minister was evidently contemplating some sort of support to be secured through him by means of this letter. The last sentence in this letter is most significant. "I only wish that all the Muslim members in the Assembly had united to help me. Instead of criticising me, you should always try to give me your help and assistance." Evidently, Sir, it was through this gentleman to whom this letter was addressed that the Chief Minister was canvassing support, in favour of his Ministry, from the Muslim members of this House. If the Chief Minister was trying to enlist the support of the Muslim members in any nefarious scheme of crushing under his heels the Hindu officers or any other officers of the Government, I submit, Sir, no worse condemnation of his Ministry could be conveyed than has been done by him in this letter which is now before the House.

Can anything more revolting in its nature, more sickening in its perpetration, and more awful in its consequences, be conceived, coming as it did from one who is situated almost at the highest point in the administration of this province? In the face of this letter it is surprising that the Chief Minister to-day dares to take up that pose of injured innocence which he so often does whenever he is caught. He says that it is the mentality behind the publication which is to be condemned. That is how he has prefaced his apologies to-day. This is not the first occasion when he has tried to adopt this device. He thinks that whatever he might write and whatever he might say, however revolting it might be to all decent people, he has got handy a number of words which can be strung into a fine bead and presented to decent people for their acceptance. That indeed is the method which has sustained him through thick and thin, and he thinks that the great law-abiding community of this province, which look upon all officials as the guardians of peace and order in this land and of the legitimate rights and interests, will always accept him at his word. What guarantee is there that what he said yesterday and what he seeks to go back upon to-day, will not be repeated to-morrow to be disowned the day after? Well, Sir, that is the great danger which emerges out of this fine scheme which has been unfolded before us.

He talks of mentality behind the publication! It was a god-send, it was a pointer which way the wind was blowing, which way things were being manoeuvred behind the scenes! And to all those amiable friends of ours in this House who desire to extend their hand of support to and blessing to this Ministry, I would make a present of this letter. Let them ponder as to where they were carrying this province. By their conduct, by their passive acquiescence and active support, they are making themselves parties to such a scheme as has been disclosed in this letter which is now before the House.

Sir, I am sure, the Hon'ble the Chief Minister will agree that when I take my stand in connection with this motion, I shall not be accused of any communal bias. It fell to my lot in the year 1935 to move in the Corporation of Calcutta that Mr. A. K. Fazlul Huq be elected Mayor of the city for the coming year, and that motion was unanimously carried. And at the end of the year when Mr. Fazlul Huq along with other Councillors of his community was bidding good bye to the Corporation in preparation of that stage-managed boycott of the Corporation—(Cries of "Question")—even then Mr. Fazlul Huq came out in the generosity of his heart to acknowledge in a public epistle published in newspapers,—I am asking the pardon of this House for striking this personal note because when I talk of Mr. Fazlul Huq, I cannot forget the personal background between him and me—well, when that letter came out, I found that Mr. Fazlul Huq had made a public declaration that if every other Hindu Councillor of the Corporation took up the attitude which I had taken up with regard to communal matters, Muslim Councillors and the Muslim community would hardly have any grievance. That is the view to which Mr. Fazlul Huq gave expression in that letter. It gave me delight and encouragement in the discharge of my public duties. But to-day, after a few years when I find Mr. Fazlul Huq appearing in a different role, I can assure him of all people that it stabs me quick in the heart. I never expected this strange transtormation. I would ask every member of this House and the public beyond, if my voice can reach them, that it is time that they must be on their guard. They must take care against those sinister activities which are going on behind the scenes and in which Mr. Fazlul Huq solemnly requests the assistance and support of every Muslim member of this House. I hope and trust that the Muslim members will do nothing of the kind, that they will refuse to extend to him the support he is craving for, and will thereby create history. I will ask every member of this House to remember that it is the permanent service which forms the backbone, which forms the steel-frame, if I can use that much-used expression, in the midst of which the present Ministry is functioning. If the people of the province are to be saved from the machinations of this Ministry, either open or secret, a tremendous responsibility lies upon the shoulders of the members of the permanent service, and if they

are subjected to such unwarranted and wholesale condemnation, woe be to the future of this province! These observations may sound strange, coming as they do from this side of the House. But the permanent service is a common factor, working, operating and administering under the Ministry for the time being. I am glad to find the Home Minister here. I do not know what attitude he will take up in this connection—whether this apology which has been put forward by the Chief Minister will be considered enough by the Home Minister to undo the grave wrong, the grievous wrong, which his chief has thought fit to perpetrate. It is not the publication that is at fault. It is the mentality which has inspired this letter, which has been exposed in clear and conclusive light through God's grace by this episode. What protection, what hope will the Hon'ble the Chief Minister give——

(At this stage the member having reached his time-limit resumed his seat.)

Mr. M. A. H. ISPAHANI: I put that the question be now put.

Mr. SPEAKER: If there are speakers from any other group, I am quite prepared to continue the debate. I have already allowed two speakers of the Congress group to speak, and if there is no other speaker belonging to any other group, I think I would be justified in putting the motion just moved by Mr. Ispahani.

Dr. NALINAKSHA SANYAL: May I draw, Sir, your attention to section 48 of the Rules and Standing Orders where it is definitely stated that there should be no abuse of the rules of the Assembly or infringement of the rights of reasonable debate? I would therefore ask you, Sir, before you come to a final decision, to consider my claim to speak on this motion when I have expressed my desire to do so.

Mr. SPEAKER: I have already allowed two members of your group, Dr. Sanyal, to speak, and if I found that there were speakers from the other groups I would have continued the debate. The principle underlying the rules which you have just quoted has been strictly followed by me, and I do not think that your group has a claim to monopolise the debate by putting up the names of further speakers, unless the debates continue.

Mr. TULSI CHANDRA GOSWAMI: If there is a conspiracy of silence on the part of one group of members in order to stifle honest discussion, I do not think you are at liberty to close the discussion which others may wish to make in public interest.

Mr. SPEAKER: I am afraid that, in view of the fact that there are no other members who wish to take part in this debate, I am helpless, so far as the demand for closure is concerned. As I have no other alternative, I have to put this question.

The motion that the question be now put was then put and a division taken with the following result:—

AYES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Kader, Mr. *alias* Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shakeed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Afazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Asharaff, Mr. M.
Awlad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Blomfield, Mr. L. M.
Bracher, Mr. F. G.
Campbell, Sir George.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edgar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K
Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkins, Mr. R. J.
Hendry, Mr. David.
Homan, Mr. F. T.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G!
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Udday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Sanku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Millar, Mr. G.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Nalinaksha Bohary.
Mullick, Mr. Putie Bohary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.

Hazimuddin, the Hon'ble Khawaja Sir, K.C.I.E.
Hoenuddin, Mr. K.
Horton, Mr. H. R.
Patton, Mr. W. G.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razzaq Rahman Khan, Mr.
Roy, the Hon'ble Sir Bejoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sasker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. N.
Serajul Islam, Mr.
Shahabuddin, Mr. Khawaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Lilta Nanda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES.

Banerji, Mr.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Resik Lal.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chakraborty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Roy, Kumar Shib Shekhareswar.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Sinha, Srijut Maninda Bhusan.
Sur, Mr. Narendra Kumar.
Zaman, Mr. A. M. A.

The Ayes being 139 and the Noes being 54, the motion was carried.

The motion "That the business of this House do adjourn to discuss a definite matter of urgent public importance, viz., the expression of want of confidence and the charge of disloyalty levelled against the Hindu officers in the province of Bengal by the Hon'ble Chief Minister and the inevitable discontent and demoralisation of the officers which is bound to seriously affect the administration of this province" was then put and a division taken with the following result:

AYES.

Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barma, Babu Prambari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.

Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath...
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Pain, Mr. Baroda Prosanna.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Dr. Dhananjoy.
Roy, Mr. Kamakhrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Patl.
Roy, Mr. Manmatha Nath.
Roy, Kumar Shib Shekhareswar.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahiur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafuli, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Blomenstock, Mr. L. M.
Brasher, Mr. F. C.
Campbell, Sir George.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman, (Mymensingh), Mr.
Golam Sarwar Hossaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs. M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi
Hawkings, Mr. R. J.
Hendry, Mr. David.
Heman, Mr. F. T.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.

Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. C.,
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Sirat Chandra.
Mandal, Mr. Jagat Chandra.
Masiruddin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Millar, Mr. G.
Mohammed Ali, Khan Bahadur.
Moshin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Haq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawasi, Hauge, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur, A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Shamsul Huda, Maulana.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 62 and the Noes 138 the motion was lost.

COVERNMENT BILL.

Calcutta Municipal Bill.

Dr. NALINAKSHA SANYAL: I had already been speaking on a point of order to which you were good enough to state that I might take it up after the adjournment motion was disposed of.

Mr. SPEAKER: What is the point of order?

Dr. NALINAKSHA SANYAL: I would draw your attention to section 50, sub-section 3, of the Rules and Standing Orders, which reads as follows:—

> "If any question arises whether a Bill is or is not a Bill which cannot be introduced save with previous sanction, the question shall be referred to the authority which would have power to grant the previous sanction if it were necessary and the decision of that authority on the question shall be final".

We would very much like to have the position in the manner in which you have tried to explain it. But, so long as we are functioning within the Government of India Act and the Rules and Standing Orders

made thereunder, I feel that this rule stands in our way so far as the question of further procedure of this Bill is concerned. The Bill obviously is one which cannot be introduced without previous sanction of the Governor General because of section 108 of the Government of India Act. Further, sub-section (3) of section 50 of the rules states that if there is any doubt in this connection the only competent authority to clear up that doubt is that authority itself and not the Speaker of the Assembly. Unfortunately, that being the position, I beg of you to have it first referred to the authority concerned and then find out whether we are actually carrying on in a regular way. If you assume to yourself a power that is not given to you under the rules, I think it would be extremely unfair and irregular. That is why I submit that you will please refer it to the authority concerned..

Mr. SPEAKER: As regards this, the procedure which we have been following all along is that whenever any Bill is introduced whether by Government or by non-official members, we send a copy to the Governor and there have been no occasions, in which in spite of the fact that we have sent a copy of the Bill, it has been held that any sanction is necessary. I take it that a copy of this Bill has also been sent as usual to the authority concerned. In view of the fact that no intimation has been received, I cannot assume that previous sanction is necessary, because of the fact that the Governor has had full opportunity to intimate where sanction is necessary.

Dr. NALINAKSHA SANYAL: May I enquire if the Governor-General's sanction has been sought? Here I submit that the competent authority is not the Governor but the Governor-General.

Mr. SPEAKER: Order, order. I feel that it is not my duty as Speaker of the Legislative Assembly to seek the sanction of the Governor or the Governor-General. I am only concerned with sending copies of Bills to the authority concerned. Of course, if I am morally convinced that such sanction is necessary, I would consider it my duty to send it to the proper authority for getting the sanction. Where I have no doubt on a point, it is not necessary for me to go out of my way and get the sanction..

Mr. SANTOSH KUMAR BASU: May I point out that "if any question arises whether a Bill is or is not a Bill which cannot be introduced save with previous sanction the question shall be referred to the authority". I am drawing your attention to these words—"if a question arises".

Mr. SPEAKER: May I draw your attention to rule 13 which you yourself cited? I hold that no question has been raised on the arguments advanced.

Mr. TULSI CHANDRA GOSWAMI: It is not a fact that the question has not been raised. The question was raised very forcibly not only by Mr. Abu Hossain Sarkar but also by the Hon'ble the Leader of the Opposition.

Mr. SPEAKER: What I am quite prepared to do with a view to accommodating you is this, I hold definitely that the proceedings should not be blocked on a point like this, because I am not satisfied that this is a question in which the sanction of the Governor or the Governor-General is necessary, but I am certainly prepared to send a copy of it to the relevant quarters for such action as may be thought necessary.

Mr. TULSI CHANDRA GOSWAMI: What will happen? Will the proceedings go no?

Mr. SPEAKER: It must go on.

Mr. TULSI CHANDRA GOSWAMI: I think that it is very illegal.

Mr. SPEAKER: It is not so.

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Mr. SPEAKER: What is your point of order?

Dr. NALINAKSHA SANYAL: We heard from the Hon'ble the Home Minister a few minutes ago that, in view of the possible illegality, Government would not proceed with the Bill in this way, but they were prepared to start *denovo*. Am I to understand that Sir George Campbell is going to start the discussions *de novo*?

Mr. SPEAKER: I have not received any notice to that effect and unless I get formal notice I shall not allow the business of the House to be stopped. Sir George Campbell

Sir GEORGE CAMPBELL: Mr. Speaker, Sir, I have little on behalf of my party to say on this Bill. But I think we are entitled to make some reply to the extraordinary attack that was made on us by Mr. Nausher Ali the other evening. To that I will refer.

I would say first that the European Group in the Corporation—I first give my own opinion—have for years done good and loyal work there, and I do not think that my friends on the benches here will contradict that. They have given most unselfish service and I think that because of that unselfish and disinterested service they have gained both the affection and the respect of their fellow Councillors.

Dr. NALINAKSHA SANYAL: What is their opinion on this Bill?

Sir GEORGE CAMPBELL: We, many of us,—in this I may have a certain amount of opposition and I believe, a modicum of support—agree that the work of the Corporation is not all that it might be. That may be due to different reasons. But there is this one reason, that if a strong political party gets complete control of a municipality in the manner that, I think, exists here, the work of that municipality is very liable to deteriorate.

Dr. NALINAKSHA SANYAL: So you want to have the balance of power in your hands?

Mr. TULSI CHANDRA GOSWAMI: What about the London County Council?

Sir GEORGE CAMPBELL: That is not peculiar to Calcutta. That has happened in many cities of the world. (Dr. NALINAKSHA SANYAL: Good!) And the Congress Party might even consider it an advantage to be relieved of this great responsibility of the Corporation from year to year because, from what I have heard in this House, time and again, it is used as a stick to belabour their backs. So I suggest to them that they might support this Bill in order to get a balance of power and perhaps have an opportunity (A VOICE: A Daniel has come to judgment) of criticising others. (Dr. NALINAKSHA SANYAL: Balance of power to Europeans!) We, as much as all others, should like to see the Corporation and its work improved, and if there can be put before us some method that would make a greater appeal to us than this Bill, we should be very much interested, and it might have greater support from us; but nothing has been put forward that would seem to speed up or to improve the work of the Corporation in this great city, and this Bill might—I don't say it will—be of some assistance in improving the work of the Corporation. We feel that it is worth a trial, to get more evenly balanced power in the Corporation.

Now, one small reference to the attack which I have referred to at the beginning of my speech—I think, I have to say a little about this.

I gather that, in so far as it applied to the European members of the Corporation, it did not have the support of you, gentlemen, there, and I do not propose to go on and to argue on behalf of my own countrymen as to what we have done for you here or for other parts of India. But I should like to remark that on the occasion when Mr. Nausher Ali made his speech he stood self-condemned. At first there was some applause from the benches on my right. As he went on making more and more unfair attacks, I was glad to hear the applause gradually fade until not even his own immediate supporters appeared to give him the least support and he was left with nothing but the lamentable echo of his own vituperation.

Dr. SYAMAPRASAD MOOKERJEE: Mr. Speaker, Sir, I rise to support the motion for circulation of the Bill for eliciting public opinion. In doing so I must express my painful surprise at the way in which the Leader of the European Group has spoken just now. He has brought out his cudgels and has revived his old, old animosity against the Congress, although that was entirely irrelevant so far as the present Bill was concerned. Sir George Campbell is anxious to see that the power of the Congress in the Calcutta Corporation is reduced to a considerable extent, and he would be willing to give his support to any measure which can achieve that particular end. Of course he has his doubt as to whether this Bill, even by itself, will be able to achieve the laudable end that Sir George Campbell has in view. I can only remind him that the Bill which we are considering here has nothing to do with the inner working of the Calcutta Corporation..... .....(Cries of "Oh, oh!" from the Coalition Benches.) I would request you, Sir, to see that I am not interrupted in my speech. I had no idea of the musical talent of the interruptor. Now, so far as the present Bill is concerned, it has nothing to do with the inner administration of the Calcutta Corporation. If that particular matter has to come before the Legislature, no doubt Sir George Campbell and his party and also other groups in the Legislature will have ample opportunity of expressing their views on that question. Sir, I believe I am sorry to say this—that when Sir George Campbell delivers his message to the Assembly to-day, he delivers his parting kick to this great city which served him so well during the major part of his career in India.

Sir, let me now pass on to the questions which are at issue. What are the important questions which are at issue with regard to this Bill? They are only two-fold, viz., first, that joint electorate is to be abolished and separate electorate to be introduced so far as representation of Mahomedans on the Corporation is concerned; and, second, Sir, is the question of redistribution of seats which has been proposed by the Hon'ble the Minister-in-charge. With regard to the first question, already members have spoken summarising the historical survey of the

entire situation. Sir, we find that in 1923 the question of joint electorate was settled; it was not that the old Legislative Council decided to accept separate electorate, but the position was exactly otherwise. What the Council then decided was that the principle of joint electorate would be accepted but after 9 years it would come into effect. It is refreshing to recall that this compromise was arrived at at the suggestion of another leading member of the European party itself. Sir, later on we find that in 1932 attempts were made by Mahomedan members of the old Legislative Council to do away with the provision for joint electorate. Again, Sir, we find that particular Bill, of my friend Mr. Rahim was thrown out by the old Legislative Council with the indirect help of the European party as it then stood. The European Group of the old Council had abstained from voting, and the result was that that Bill was not passed into law.

Sir, what are the questions, what are the considerations on which it should be open to this Assembly to go back on the decision which was made by the old Bengal Legislative Council? We shall consider this question without any prejudice whatsoever. The consideration should be this: has the system of joint electorate failed in the working of the Calcutta Corporation? Apparently there are differences of opinion. There are some who think that it has failed. But how? There were distinguished Moslem members who were elected through joint electorate..... ("They were toadies"—from the Coalition Benches.) Toadies? Who were the toadies? Mr. A. K. Fazlul Huq? Mr. Momin? They were amongst other members who were elected through joint electorate in the Corporation election of 1933. Were they toadies? We find that in 1933 as many as 10 Moslems out of 19 were elected through the joint electorate who came through the door of special electorate previously. Apart from these 10, there were at least 4 or 5 others including Mr. Fazlul Huq, Mr. Shamsuddin, Mr. Abdul Momin, and Mr. Ispahani himself who came through joint electorate and whom the Moslem community will never describe as persons who are not champions of the interest of their cause.

Sir, the question is as to what the Corporation did between 1933-39, when the system of joint electorate has been in existence, which has offended the Moslems? Has there been a single charge brought before the Assembly that the Corporation has neglected the vital interests of the Mahomedan community? What are the charges up till now? Not a single charge has been brought except vague generalisations? The question of services, no doubt, is one which has always loomed large before Mahomedan members as well as Hindu members of the Corporation. We find that while in 1924 there were only 180 Mahomedan employees in the Corporation, in 1939 there are about 1,200. ("Including the chaprasis?" A voice from the Coalition Group.) No, not including the chaprasis but excluding them. I do not know why my

friends over there are so anxious about these chaprasis. Is that the limit of their mental vision? (Interruption from the Coalition Benches.)

Mr. SPEAKER: If the members on my right are anxious that the proceedings would again degenerate into chaos, they might continue to do so.

Dr. SYAMAPRASAD MOOKERJEE: Now, Sir, the Corporation has accepted the principle of recruitment of Mahomedans to its services to the extent of 25 per cent. So far as the question of the services is concerned, I do not think there can be any legitimate grievance on the part of the Moslem community.

I can understand the difficult position of the Hon'ble Minister in charge or the Chief Minister who may not be genuinely anxious to put through a Bill of this description. But there is the demand of their supporters who perhaps make it impossible for them to do otherwise, I would, however, remind them that as responsible Ministers of Government, responsible for safeguarding the interests of all communities, it was their duty first to place before the Corporation a clear statement of charges which the Government wanted to bring against the Corporation regarding its administration so far as Moslem interests were involved. Sir, if that was done, if the matter had proceeded on that basis, and if the replies were considered by Government and found unsatisfactory, I could then have understood Government taking up the attitude which it has taken up to-day. It is astonishing to find that a Bill to amend the constitution of a body like the Calcutta Corporation has not even been referred to that body at all. It is a most unprecedented and unfair procedure which has been followed by Government.

Sir, with regard to the question of joint electorate, I shall leave the question with only this observation that to-day in Bengal, rightly or wrongly, the principle of joint electorate has been accepted with regard to all the municipalities of the province. In 1932, when my friend Sir Bijoy Prasad Singh Roy was the Minister-in-charge, with the active support of some of the old members of the Legislative Council, like Mr. Fazlul Huq and yourself, this principle of joint electorate with regard to the municipalities in Bengal was accepted. And to-day, Sir, I ask Sir George Campbell and his followers whether they feel proud when with their support the principle of joint electorate is going to be given up in the biggest municipality not only in Bengal but in the whole of India. What makes them take up the tremendous responsibility in not allowing the two great communities of this province acting together in the matter of the administration of the municipalities is something which passes my comprehension.

Sir, in 1932, Mr. Fazlul Huq made it quite clear that though with regard to the Legislature the question of separate electorate was of vital importance to the Muhammadan community, it was different with regard to the administration of municipalities and local bodies. Sir, I shall leave this question of joint electorate with the remark that by the proposal which Government have now placed before us it is not only doing injustice to the people of Calcutta but is forcing on the province a principle which is against the fundamental principles of municipal administration in the whole world.

Now, Sir, I next pass on to the distribution of the seats. Here, all that I propose to do is to place before you certain facts and figures with as little comment as possible. Sir, what is likely to be the effect of the redistribution of the seats, which is proposed by the Hon'ble Minister in his Bill? The effect will be to place the Hindus in this city, who constitute the majority population, in a position of permanent minority. This is what is proposed to be deliberately done by Government in bringing forward this Bill. What is the position of Hindus to-day? The Hindus are nowhere described as such: they are all "non-Muhammadans". There are at present 46 seats given to general constituencies out of 87, leaving aside the five Aldermen. In future, there would be 46 Councillors elected from general constituencies out of a total of 94. What is the position with regard to the Muhammadans? I do not grudge a few more seats being given to the Muhammadan community, but that must be given by way of an agreement among the different communities concerned. You cannot, possibly, give a larger representation to one community depriving the other communities of their legitimate rights and interests within a particular area. Sir, the figures are most interesting. The Bill in 1923 originally started with 13 seats to Muslims. Because the principle of joint electorate was accepted, Sir Surendra Nath Banerji, with the approval of the other members, raised it to 15. In 1932, when the proposal for dropping separate electorate in favour of joint electorate was made, Mr. B. P. Singh Roy, as he then was, proposed to increase the number of Moslem Councillors by 4. So, the number of Muhammadan seats was increased from 15 to 19. To-day, again, the principle of joint electorate is to be abandoned for ever, for there is no mention of any period in the Bill, and 3 more seats are given to the Muhammadan community, the number of Muhammadan seats coming up to 22. For Moslems, it has always been the case of eating the cake and having it. Sir, what is the population in the city—68 per cent. Hindus and 25 or 26 per cent. Muhammadans. Then, again, what is the proportion of the rates paid to the municipality?—Hindus 65 per cent. and Muslims 5 per cent. What is the proportion of the voting strength?—85 per cent. are Hindus and 10 per cent. are Muslims. Look at the voting strength of the Hindus in 1923. It was 61,023, and to-day it has risen to 70,244. So far as Muslim voters are concerned, it was 8,657 in 1923

and it had dropped down to 8,387 in 1936. So, as regards one community the number of voters has increased by about 10,000, but you do not give any increased representation to them, but reduce them to a permanent minority. And so far as the Muslim community is concerned, its voting strength has gone down from 8,657 in 1923 to 8,387 in 1936, and you increase the number of seats in a manner which cannot be justified under any circumstances.

Sir, I was just calculating the number of additional seats proposed to be given to Moslems to two of the wards. I would present these figures to my friends of the European Group and watch how they reconcile this to their conscience. In ward No. 9, it is proposed to add one additional seat. The strength of the general voters' list comes up to 4,015; the voters there are represented by 2 Councillors. At present the 701 Muslim voters in that ward are represented by one Councillor, and one more Councillor is to be added. Then look at ward No. 20. For 1,048 voters in the general list they have one representative, and for the 689 Muslim voters there are already 2, and it is proposed to increase it by 1 more. What logic is this, what fairness is this, what equity is this, what justice is this, that you want deliberately to trample under foot the legitimate claims of a particular community, simply because that community happens to be the Hindu community in this province? Sir, I can well sympathize with the mentality of Sir George Campbell that the Congress has got to be reduced in power. That is his point of view. But the Congress does not necessarily mean the entire Hindu community. Does Sir George Campbell mean to suggest that because the Congress has offended the Europeans, therefore the Hindus of this city and the Hindus of the province of Bengal have got to be penalized in a manner which is not warranted by any sense of fairness, any sense of equity, any sense of justice? Sir, I wonder what the attitude of Sir George Campbell and other members of the European Group would have been if in some way it was attempted by Government or anybody else to touch the interests of the Europeans in this city. Then, of course, objections would have come from all quarters, but so long as their position is secured, they can safely play the game of "divide and rule."

(At this stage the member having reached the time-limit had to resume his seat.)

Mr. SPEAKER: Mr. Tulsi Chandra Goswami.

Mr. TULSI CHANDRA GOSWAMI: May I speak to-morrow? I want to speak after the Chief Minister has spoken.

Mr. SPEAKER: The Chief Minister will conclude the debate.

Dr. NALINAKSHA SANYAL: Sir, may I again draw your attention to one fact? We heard the Hon'ble the Home Minister state that, so far as the Government are concerned, they were not prepared to take the responsibility in the matter and that they were not prepared to run any risks. You ruled, Sir, that you would proceed with the agenda as it is, because you have had no notice. I submit that it is not within your responsibility to carry on the business if the Government are not prepared——

Mr. SPEAKER: But they have not moved it.

Dr. NALINAKSHA SANYAL: The Hon'ble the Home Minister has already said that. By virtue of section 54(2) of the Assembly Rules and Standing Orders, which lays down: ".....if the member in charge of the Bill....."——

Mr. SPEAKER: Order, order. I am afraid I cannot agree with you.

Mr. Goswami, you will have to speak now because the Chief Minister will conclude this debate.

Mr. TULSI CHANDRA GOSWAMI: Sir, I shall avail myself of your very kind invitation to intervene in this debate. At the same time, I cannot help saying once again that the procedure which has been adopted is wholly illegal. Further, Sir, a Bill of this importance is being sought to be enacted into law without serious consideration even by this House, and I was surprised, Sir, when you said that the Chief Minister is going to conclude the debate this evening. The House has had very little time to consider this measure fraught with far-reaching consequences. The House is being asked to enact a piece of legislation which might affect hundreds of thousands of inhabitants of this great city. It is all very well for Sir George Campbell to say that the measure is worthy of trial. May I ask Sir George Campbell what is the reason for the change? What is the reason for this experiment which is, in our opinion, so very hazardous? He has nothing to lose; his great community, for which, as he knows, I have great respect, has nothing to lose by this measure. At the same time, the fact that the Muslim community will gain certain amount of ascendancy in the Corporation does not hurt me in the least. What hurts me is the inequity of the proposed measure. Facts have been given by my honourable friend, Mr. Syamaprasad Mookerjee, and I do not wish to waste the time of the House by repeating facts which have already been stated in a very able and excellent manner. From our point of view, I want to emphasize this, it is not the increase of Muslim strength in the Corporation that we, the members of the Congress, resent; it is the fact that the Government of the day, with its quadrumanous

activities is trying to spoil every institution which has done valuable service to the citizens of Bengal. This is one of the instances—one of many instances—in which the deliberate desire is to ruin an institution. What is Sir George Campbell's argument, after all? Does he mean that with the passing of this measure, the Corporation of Calcutta will be any better than it is to-day? He said that a particular political party, a strong political party—I thank him for the compliment—was in possession of the machinery of the Corporation. I dared to interrupt him. What about the Labour Party controlling the London County Council—a Corporation which is, I do not know how many times, bigger than the Calcutta Corporation? Has any harm been done to London and to the inhabitants of London as a result of the ascendancy of one great political party? I am surprised that an argument of that kind should have been advanced as the principal argument in support of a measure of this retrograde nature. As regards joint electorate, it has been the ambition of all people who love this country to put an end to the iniquitous system of separate electorates—separate electorates which divide communities, which divide man from man and which was the creation of a policy of divide and rule. Not before 1908, did we hear of separate electorates. An artificial agitation was created headed by men who had no touch with the country—I refrain from mentioning these names; they held big titles, they held big social position. It is an open secret that some men who had their own interests to serve and not their communities' interests to serve, were approached by Lord Minto,—and it is on record,—to create an agitation in favour of separate electorates. Are we in these days, when we are looking forward to a great Indian nation, going to perpetuate this act of injustice to communities? I say deliberately that it is an act of injustice to my Muslim brethren and my Muslim sisters to create separate electorates. We must stand together brothers and sisters in the great fight that is before us for the achievement of our national independence.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I knew that this Bill would encounter rough weather, but I was not prepared for this storm of communal bitterness which has burst over this House in the course of the discussion over this Bill. After all, this question of separate electorate *versus* joint electorate is not a new one. It was not, as Mr. Goswami wants the House to believe, thrust upon Indian politics by Lord Minto at the request of the Muslim community. So long ago as 1888, Lord Dufferin held the view that in a country like India no principle of representation other than by interests could be a practical possibility. In 1892 the Government of Lord Lansdowne endorsed that view. In August 1906 a committee of the Executive Council of the Viceroy was formed to consider the working of the separate *versus* joint electorates. This committee specially considered the problem of Muslim representation and

recommended that for the purpose of filling seats reserved for Muslims separate electorates should be formed. It was in October 1906 that an All-India Muslim Deputation waited upon the Viceroy, Lord Minto, and it was then that Lord Minto expressed in favour of the separate electorate. Then, Sir, passing further on to the views of the British Statesmen, I may tell the House that no less a man than Lord Minto supported the principle of separate electorates for the Muslim community, and on February 23, 1909, in course of his speech, in the House of Lords, moving the second reading of the Indian Councils Bill, Lord Morley said "The Muslims demand three things. I had the pleasure of receiving a deputation from them and I know very well what is in their minds. They demand an election of their own representatives to these councils in all the stages just as in Cyprus, where I think, Muslims vote by themselves, they have nine votes and the non-Muslims have three or the other way about; so in Bohemia, where the Germans vote alone and have their own register, therefore we are not without a precedent and a parallel for the idea of a separate register. Secondly, they want a number of seats in excess of their numerical strength. These two demands we are quite ready and intend to meet in full".

Now, Sir, passing over the views expressed by British Statesmen, let me quote to the House the opinions expressed by Indian politicians about whose knowledge of Indian conditions there cannot be the slightest doubt. I will begin with the late Mr. Gokhale whose hallowed memory, I am sure, my friends in the Opposition still cherish, respect and adore. In a speech in the Imperial Legislative Council on March 29, 1909, the late Mr. Gokhale said that his views on the subject of Muslim representation were practically the same as those of the Government of India. The words he used were as follows:—

"I think the most reasonable plan is first to throw open a subtantial minimum of seats to election on a territorial basis in which all qualified to vote should take part without distinction of race or creed. And then supplementary elections should be held for minorities which numerically or otherwise are important enough to need special representations and these should be confined to members of minorities only".

In the year 1918 a Franchise Committee under the Chairmanship of the Right Hon'ble Lord Southborough was appointed by the Secretary of State for India. Among its members, ten were eminent Hindus and only three were Muslims. The ten Hindus were Sir Surendra Nath Banerjee, the Right Hon'ble Srinivasa Sastri, Sir P. C. Mitter, Rai Ghanshyam Barua Bahadur, Mr. N. M. Samrath, Raja Narendra Nath, Mr. M. V. Joshi, Raja Rajendra Narain Bhanj Deo of Kaneka, Mr. C. Y. Chintamani

and Sardar Sunder Singh Majithia. The three Muslims were Sahebzada Aftab Ahmad Khan, Raja of Mahmudabad and Sir Muhammad Habibullah. In their report the Committee observed as follows:—

There was very general agreement in favour of communal representation for Muhammadans in those provinces as well as in the rest of India, and the local Government urged the same step. Both Hindus and Muhammadans are thus in substantial agreement that the latter should everywhere enjoy communal electorates, and we have no hesitation in recommending that effect should be given to this common desire.

Sir Surendra Nath Banerji in his famous book "A Nation in Making" admits that the system of communal electorates was recognised by Lord Sinha and finds a place in his Calcutta Municipal Bill of 1917. Pandit Jagat Narain, Minister-in-charge of Local Self-Government in the United Provinces, conceded separate electorates to Muslim rate-payers in the District Boards Act of 1922. Coming nearer home during the debate on the Calcutta Municipal Act of 1923 Kumar Shib Shekhareswar Roy, whom I find adorning a seat in this Assembly this evening, spoke as follows: I am quoting his words "Personally, Sir, I am in favour of special electorates for important minorities and I heartily support the suggestion for a communal electorate for the Muhammadan minority in Calcutta. It is not that I have adopted this attitude by any exuberance of feeling for the Muhammadans, but because I am one of those who sincerely believe that the principle of communal electorate is based on the doctrine of self-defence; it is the protection that the minority needs when pitted against a majority differing widely from it in intellectual and economic development".

I now come to the more recent times and I find that Babu Rajendra Prosad in 1934 stated as follows: "Everyone acquainted with the history of the Congress knows that, rightly or wrongly, the Congress entered into a pact with the Muslim League in 1916 and conceded separate electorates to Mussalmans. The resolution of the Congress adopting the Lucknow Pact has never been rescinded, as indeed it could not be at the instance of any one party. It is therefore not quite right to say that the Congress has always stood for joint electorates, pure and simple". Pandit Jawahar Lal Nehru writing on the subject in 1924 said "Personally I favour the introduction of the functional system of election as this is far more representative of the interests. The geographical system (popularly called the joint electorate system) often covers up and confuses the interests. I have suggested that in order to remove all suspicion from the minds of a minority, it may even, if it so chooses, have its representatives elected by separate electorates. Much as I dislike communalism I realize that it does not disappear by supression but by the removal of the feeling of fear or by a diversion

of interest. We should therefore remove this fear completely and make the Muslim masses realize that they can have any protection that they really desire. I feel that this realisation will go a long way in toning down the feeling of communalism".

Mr. (now the Hon'ble) C. Rajagopalacharia, the Chief Minister of Madras, in a statement published in the "Hindusthan Times" of the 3rd August 1934 observed "We cannot force joint electorates on Mussalmans if they as a community finally and definitely refuse at present to accept that method of recording their votes." I am very sorry that my friend Mr. Syama Prosad Mookerjee has made the most unwarranted and unjustified attack on Sir George Campbell in his speech.

Dr. NALINAKSHA SANYAL: Come to his relief.

The Hon'ble Mr. A. K. FAZLUL HUQ: As far as I can make out all that Sir George Campbell said was that he emphasized the danger of one party continuing in undisputed control over the affairs of municipal and other bodies. I will just cite one example. It cannot be doubted that at the present moment, whatever the causes may be, the vast majority of Muslims are not inclined to Congress views. There are Muslims who are in the Congress but they are in a minority. Supposing there is a system of joint electorate, in that system of joint electorate from the very nature of things the Muslims will be in a minority, and the Hindu voters will be almost in an absolute majority. It must also be admitted that so far as Hindu voters are concerned, the Congress have got complete control over their opinion so far as this matter of separate or joint electorate is concerned. Therefore, Sir, no Mussalman can ever expect to be returned from a joint electorate unless he subscribes to the Congress doctrine or puts himself forward as a Congress candidate. Therefore in an election like this a man who will be elected will not be the representative of the vast majority of the Muslims who are anti-Congress but of that small minority of Mussalmans who belong to the Congress and who form a very small minority of the Muslims community. That is the evil of the system of joint electorate. If one community is in a dominant position and this is, I believe, what Sir George Campbell wanted to emphasize, it is unsafe for the development of representative institutions. If such a party is allowed to have complete sway over another reason only of its numerical strength.

My friend Mr. Santosh Kumar Basu was referring to the Simon Commission. He read a certain portion, but omitted the concluding portion and the conclusion come to by Sir John Simon. May I for the information of the House read the last sentence to show how Mr. Santosh Kumar Basu has tried to cloud the issue by quoting only

two sentences from the beginning of the paragraph. "We should be entirely in favour" the Commission says "of a practical plan which would help to bring about these desirable consequences, but it is impossible to shut one's eyes to the force of the argument that the mere reservation of seats in order to secure a guaranteed amount of representation for the Muslim minority is far from securing the return to the legislatures of Muslims who would be regarded by their co-religionists as authoritative and satisfactory representatives".

Now it has been said that this system of separate electorate divides the communities into water-tight compartments. I ask my friends seriously to consider and honestly give me an answer. Are not the divisions already there? Are not the communities in water-tight compartments already? The Hindus and the Mussalmans have lived in India for centuries as separate communities. Is not that a water-tight compartment? A separate electorate is an absolute necessity in consequence of the fact that they are in water-tight compartments. The water-tight compartments are not the results of separate electorates, but rather separate electorates are the results of the water-tight compartments that already exist.

Now, Sir, the Government of Lord Lansdowne observed "Indian society from historical causes is essentially a congeries of widely separated classes, races and communities with divergencies of interests and hereditary sentiment". Similarly Mr. Asquith afterwards Lord Oxford, remarked as follows: "Undoubtedly there will be a separate register for the Muslims. To us here at first sight it looks objectionable not because it discriminates between people and segregates the classes on the basis of religious creed. I do not think that is a very formidable objection. The distinction between Muslim and Hindu is not merely religious, but it cuts deep down into the traditions of the historic past and is also differentiated by the habits and social customs of the community." Those who talk of nationalism so easily, forget the fact that although they may be prepared to vote on the communal register once in five years they will not be willing to allow to their children to intermarry with the children of the other communities. Until that time comes it is no use saying that the separate electorates divide the people into compartments; it is no use saying that with the Europeans have come this division. Divisions were here long before the Europeans came. It is the result of this division that the Muslims and other communities——

(Here the Hon'ble Minister having reached his time-limit, resumed his seat.)

Mr. SANTOSH KUMAR BASU: On a personal explanation, Sir. Mr. Fazlul Huq has just now said that I wanted to cloud the issue by not quoting some extracts from Simon Commission's report relevant to

the question before the House. I submit, Sir, that the whole passage quoted by Mr. Fazlul Huq is irrelevant to the question of separate electorate in municipal bodies. The remarks at page 314 and the whole of that paragraph relating to municipal bodies I place before the House.

Mr. SPEAKER: There are five motions standing in different names for the purpose of circulation. According to the practice usually followed by us I will put the motion in the following form: that the Bill be circulated for the purpose of eliciting public opinion.

Dr. NALINAKSHA SANYAL: The motions have been moved already.

The motion that the Calcutta Municipal Amendment Bill, 1939, be circulated for the purpose of eliciting opinion thereon was then put to vote and a Division taken with the following result:—

AYES.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Dutta, Mr. Dhirendra.
Datta, Mr. Harendra Nath.
Dutta, Mr. Sukumar. Nath.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Griffiths, Mr. G.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Paul, Sir Hari Sankar.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisheri Pati.
Roy, Mr. Manmatha Nath.
Roy, Kumar Shib Shekhareswar.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shamsuddin Ahmed, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Nanidhar Bhusan.
Sur, Mr. Narendra Kumar.
Wahid Bahman, Maulvi.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikramparl, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Kader, Mr. alias Lal Meah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi I
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Choudhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Altazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashratali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Blomfield, Mr. L. M.
Brasher, Mr. F. C.
Campbell, Sir George.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Faziul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhaj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasian Marshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Homan, Mr. F. T.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jaumuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza Sahibzada Kawan Jah Syed,
Megregor, Mr. G. C.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi
Maguire, Mr. L. T.
Mahtabuddin, Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Saifruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. H.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Shamsul Huda, Maulana.
Sircar, Babu Lilta Nanda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. H.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.

Feisl Ahmed Choudhury, Maulvi Hafi.	Wordsworth, Mr. W. C.
Walker, Mr. W. A. M.	Yusuf Ali Choudhury, Mr.
Whitehead, Mr. R. S.	Zahur Ahmed Choudhury, Maulvi.

The Ayes being 79 and Noes 131, the motion was lost.

The motion of Mr. Dhananjoy Roy that after the name of Mr. A. M. A. Zaman, the following names be inserted, namely:—

(1) Mr. Monmohan Das, and

(2) Babu Lakshmi Narayan Biswas,

was then put and lost.

Mr. SPEAKER: The question is the main motion of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, viz., that the said Bill be referred to a Select Committee consisting of—

(1) Khan Sahib Maulvi Muhammad Solaiman,

(2) Mr. K. Nooruddin,

(3) Mr. M. A. H. Ispahani,

(4) Mrs. Hasina Murshed,

(5) Mr. Mia Abdul Hafiz,

(6) Khan Sahib Maulvi Hatemally Jamadar,

(7) Khan Sahib Maulvi S. Abdur Rauf,

(8) Maharajkumar Uday Chand Mahtab,

(9) Mr. Birat Chandra Mandal,

(10) Mr. Hem Chandra Nasker,

(11) Mr. L. T. Maguire,

(12) Mr. G. Morgan,

(13) Mr. R. M. Sassoon,

(14) Mr. Santosh Kumar Basu,

(15) Mr. Jogesh Chandra Gupta,

(16) Mr. Barada Prosanna Pain,

(17) Mr. A. M. A. Zaman, and

(18) the mover,

with instructions to submit their report by the 6th March, 1939, and that the quorum of the Select Committee be fixed at five.

As members would see, the substantive motion was to submit the report by the 6th March, 1939. That would be ineffectual, and the Hon'ble Minister has suggested the date of 13th March, 1939.

Dr. NALINAKSHA SANYAL: Sir, we have been taken by surprise so far as extending the date to 13th March is concerned.

Mr. SPEAKER: I can tell you, Dr. Sanyal, that you have not been taken by surprise.

Dr. NALINAKSHA SANYAL: But, Sir, I have given you notice of a motion that the date be extended to 31st December, 1939. I submit that this kind of unusual hurry in rushing the Bill through will not do any good to any party. A piece of legislation which will affect the interests of a large community must be examined in all aspects of the question. That is why I only put before the House to consider if it is at all possible for the Select Committee to apply their mind to this question in the course of the next four or five days, particularly when the Budget is going to be placed before the House. As a compromise, however, I am prepared to accept the date of 15th April; but if it is otherwise, I must stick to my original date, viz., 31st December, 1939.

Mr. TULSI CHANDRA GOSWAMI: I would appeal to the Hon'ble Nawab Bahadur to accept Dr. Sanyal's motion, because really, even although we object in principle to the Bill, still as a choice between two evils, we have agreed to serve on the Select Committee. It is, therefore, up to the Hon'ble Nawab Bahadur to allow the Select Committee, as Dr. Sanyal has said, to apply their mind after the Budget discussion. It is a measure which is of far-reaching consequence.

Mr. SANTOSH KUMAR BASU: The other day when the matter was being rushed through, I said that I would withdraw from the Select Committee. Now the decision of my party is that we shall not withdraw from the Select Committee, but should serve on it. And I must abide by it. At the same time, I would again appeal to you, that if the Select Committee is at all to be fruitful of any purpose, it will not be possible if the 13th of March is adhered to.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have heard with great attention the appeal made by my friends over there. They must understand also that the Government have to pass this Bill through both the Houses so that the next Corporation election may take place under the new Act, the reason being that we have already extended the life of the Corporation by one year and that therefore unless this Bill is passed in this session, it will be impossible to give effect to the enactment before the next election takes place. I am, however, prepared to extend the date to 17th March.

Dr. NALINAKSHA SANYAL: The Hon'ble Nawab Bahadur fully knows that the Congress members will soon be leaving for the Congress session at Tripuri, and they cannot, therefore, take part in the Select Committee meetings if the report has to be submitted by the 17th.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In that case, as a matter of compromise, I am prepared to extend the date to 25th March.

The motion of Dr. Nalinaksha Sanyal that the report be submitted by the 31st December, 1939, was then, by leave of the House, withdrawn.

Mr. SPEAKER: I am glad that there has at last been an agreement on some point at least and the date has been fixed for the 25th March.

The motion of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, was then put in the following modified form and agreed to:—

That the said Bill be referred to a Select Committee consisting of—

(1) Khan Sahib Maulvi Muhammad Solaiman,
(2) Mr. K. Nooruddin,
(3) Mr. M. A. H. Ispahani,
(4) Mrs. Hasina Murshed,
(5) Mr. Mia Abdul Hafiz,
(6) Khan Sahib Maulvi Hatemally Jamadar,
(7) Khan Sahib Maulvi S. Abdur Rauf,
(8) Maharajkumar Uday Chand Mahtab,
(9) Mr. Birat Chandra Mandal,
(10) Mr. Hem Chandra Nasker,
(11) Mr. L. T. Maguire
(12) Mr. G. Morgan,
(13) Mr. R. M. Sassoon,
(14) Mr. Santosh Kumar Basu,
(15) Mr. Jogesh Chandra Gupta,
(16) Mr. Baradu Prosanna Pain,
(17) Mr. A. M A. Zaman, and
(18) the mover,

with instructions to submit their report by the 25th March, 1939, and that the quorum of the Select Committee be fixed at five.

Adjournment.

The Assembly was then adjourned till 4-45 p.m. on Tuesday, the 7th March, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 7th March, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 210 members.

STARRED QUESTIONS

(to which oral answers were given)

Establishment of a subdivision for Palong Circle with Chikandi as headquarters.

*128. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that some years back Government adopted the scheme of establishing a new subdivision for the Palong Circle within the subdivision of Madaripur in the district of Faridpur with headquarters at Chikandi;

(*ii*) that an extensive area of the Chikandi *mauza* was acquired by Government for the said purpose, but ultimately the said scheme was abandoned;

(*iii*) that about fifty *mauzas* of the Dacca and Tippera districts have since been transferred to the district of Faridpur and added to the jurisdiction of the said Palong Circle;

(*iv*) that the easternmost and north-north-eastern portions of the Madaripur subdivision are 30 to 50 miles away from the headquarters of Madaripur; and

(*v*) that the public residing in those portions find it difficult and inconvenient to attend Court and other official business at Madaripur?

(*b*) Are the Government considering the desirability of splitting up the present jurisdiction of the Madaripur subdivision into two?

(*c*) Is the Hon'ble Minister aware—

(*i*) that a deputation of the representatives of the public of the said Palong Circle waited on the Hon'ble Minister while he paid a visit to Madaripur a few months back and acquainted him with the above views; and

(*ii*) that some gentlemen representing the public of the said Palong Circle have recently submitted a petition to Government through the Hon'ble Prime Minister praying for the establishment of a new subdivision for the said Palong Circle with headquarters at Chikandi?

(*d*) Do Government propose to give their due consideration to the aforesaid prayer and to direct an enquiry into the statements contained in the said petition?

(*e*) If so, when may such enquiry be expected to start?

(*f*) If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) and (*iii*) Yes.

(*ii*) Only a small area was acquired for the Munsif's Court and quarters. The scheme was ultimately abandoned.

(*iv*) No. The easternmost portion of the subdivision Sakhipur is 25 miles from Madaripur. The furthest point north-east, Char Atra, is 20 miles from Madaripur.

(*v*) No. People from these areas can come easily by boat to Madaripur all the year round.

(*b*) No.

(*c*) (*i*) Yes.

(*ii*) A petition signed by some inhabitants of the villages situated in the northern and eastern parts of the subdivision and addressed to the Hon'ble Revenue Minister was received by Government.

(*d*) Government have after necessary enquiries and careful consideration come to the decision that the headquarters of the subdivision should be located at Sakuni.

(*e*) and (*f*) Do not arise.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state whether it was at any time in the contemplation of Government to transfer the area under the Rajair police-station of Madaripur subdivision to Gopalganj subdivision of the Faridpur district,

in view of the fact that Gopalganj subdivision is a very small subdivision in area and population while Madaripur subdivision is too extensive for administrative purposes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That question does not arise out of this, Sir.

Mr. RASIK LAL BISWAS: গভর্ণমেণ্ট হতে উত্তরে বোঝেছেন যে, সেখানে জমি জায়গা acquire করা হয়েছে; মোট কতখানি জায়গা acquire করা হয়েছে মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Agricultural loan and gratuitous relief to flood-stricken people of Jessore.

*127. **Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the exact amount of agricultural loan and gratuitous relief given to the people of Jessore affected by the last flood up to January, 1939;

(*ii*) the total number of peasants in the district of Jessore;

(*iii*) the amount of agricultural loan given *per capita*; and

(*iv*) the maximum and minimum amount that a peasant has received from the Government?

(*b*) Is the Hon'ble Minister aware—

(*i*) that 70 per cent. of the total crops of the district was destroyed;

(*ii*) that a large number of cattle died during the last flood; and

(*iii*) that the peasantry is now in distress to purchase seeds, cattle and plough?

(*c*) Are the Government considering the desirability of—

(*i*) sanctioning a further sum of five lakhs of rupees to the flood-stricken peasantry of Jessore by way of agricultural loan; and

(*ii*) suspending the realisation of cess both from the tenant and the landlord till December, 1939?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Agricultural loans—Rs. 3,10,000. Gratuitous relief—Rs. 27,210.

(*ii*) 1,286,796.

(*iii*) The average amount of loan granted works out at Rs. 4-10-*per capitum*.

(*iv*) Maximum Rs. 10 and minimum Rs. 2.

(*b*) (*i*) No. The damage is estimated at 58 per cent. only.

(*ii*) There have been cases of death of cattle but not in large numbers.

(*iii*) Yes.

(*c*) (*i*) One lakh of rupees as agricultural loan has been granted after January, 1939. Further amounts will be sanctioned if necessary.

(*ii*) No general suspension is considered necessary but each case is separately considered and realisation in deserving cases is suspended.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state how many peasants, out of the figure 1,286,796 which has been given as the total number of peasants in the district of Jessore, have actually received any agricultural loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is difficult for me to answer this question.

Mr. ATUL KRISHNA GHOSE: Sir, am I to understand with reference to answer (*a*) (*iii*) where the Hon'ble Minister says that the average amount of loan granted works out at Rs. 4-10 *per capitum* that only 70 thousand of the peasants have received loans and that the remaining peasants out of the 1,286,796 have been more or less left to their fates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not left to their fates, Sir. Those who deserved relief have been given relief. All of them did not deserve relief.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what is the significance of the statement that the damages are estimated at only 58 per cent. when the District Magistrate of Jessore in the conference in Writers' Buildings gave out definitely that the damages were more than 60 per cent.?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The difference between 58 and 60 per cent. is negligible.

Mr. ATUL KRISHNA GHOSE: In view of the total output of crops in the district of Jessore, two per cent. is not a negligible factor.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: When the District Magistrate mentioned 60 per cent. it was only a guess, but 58 per cent. is based on information collected.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state what is the criterion to judge whether a man deserves the suspension of his cess demand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It will depend on the circumstances of each case.

Mr. ATUL KRISHNA GHOSE: Sir, my question has not been replied. The Hon'ble Minister says that no general suspension is considered necessary, but each case is separately considered and realisation in deserving cases is suspended. At the same time the Hon'ble Minister admits in answer (*b*) (*ii*) that the people are in distress. Under the circumstances, will the Hon'ble Minister enlighten us what will be the criterion for judging whether a man really deserves that his cess should be suspended till December 1939?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Whether he is in a position to pay or not is the best criterion.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is not sufficient and real proof of the deserving of a man, when *asthabar kroke* is at his house and the gentleman is being put to difficulty? I want to know from the Hon'ble Minister what will be the criterion for exempting a man from payment of cess. It may so happen that one man who is exempted is really in a position to pay the cess demand, while the other man who is not so exempted is really needy. If the Hon'ble Minister, Sir, will kindly give me a definite reply on this point, I won't put any more supplementary question.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It must, Sir, be left to the commonsense of the enquiring officer. It is difficult for Government to lay down any hard and fast rule on this matter.

Inaccuracies in Settlement record in Gokulpur mauza, 24-Parganas.

*128. **Mr. PATIRAM ROY:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that certain mistakes or inaccuracies have crept into the Settlement record of the Gokulpur *mauza* (J. L. No. 39), under the subdivision of Basirhat, 24-Parganas; and

(*ii*) that after the final publication of the Settlement records, the inhabitants of the area have, under section 121 of the Bengal Tenancy Act, repeatedly requested the Government to make a fresh settlement of this area to rectify the mistakes occurring in the Gokulpur *mauza*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state, what steps, if any, have been taken by the Government to remove the grievances of the people of the locality?

(*c*) Are the Government considering the desirability of making a fresh survey and settlement of the area?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state when it is likely to be taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) A petition containing such an allegation was received from one Adya Nath Biswas.

(*ii*) The said Adya Nath Biswas also requested for preparation of a fresh record-of-rights in respect of this area.

(*b*) No concrete cases of mistakes or inaccuracies were cited in the petition. Having regard to the different stages through which the draft records have to pass, it was considered unlikely that the number of mistakes would be such as to require the preparation of a fresh record-of-rights. The petitioner was accordingly advised to go to Civil Court for a declaration that the record was wrong.

(*c*) No.

(*d*) Does not arise.

Petition by the flood-stricken agriculturists of the bil area, Madaripur.

*129. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that the flood-stricken agriculturists of the *bil* area in the subdivision of Madaripur approached the local Subdivisional Officer by hundreds and submitted petitions stating that the *aman* paddy crop having failed in that area

they were in dire need of immediate gratuitous relief and of adequate agricultural loans for the purpose of cultivation and sowing in the present sowing season?

(*b*) Is it a fact that the petitions of those agriculturists were not entertained by the said Subdivisional Officer on the ground that the petitions did not bear court-fee stamps?

(*c*) Is it a fact that subsequently about 2,000 agriculturists of the affected area approached the said Subdivisional Officer with properly stamped petitions for the aforesaid purpose?

(*d*) Is it a fact that the said Subdivisional Officer summarily rejected those petitions stating that he had no money to pay for the aforesaid purpose?

(*e*) Is it a fact that the said Subdivisional Officer has reported to the higher authorities that there is no distress in the said area?

(*f*) Is it a fact that similar petitions were submitted to the District Magistrate of Faridpur but to no effect?

(*g*) Has the Hon'ble Minister directed an enquiry into the statements of those petitions and received any report thereon?

(*h*) Do Government propose to give adequate relief to the flood-stricken and needy agriculturists of the said affected area?

(*i*) If so, have Government sanctioned any money for that purpose?

(*j*) If so, what amount, when and how will that money be distributed?

(*k*) If no money has been sanctioned, what are the reasons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes. Many people approached the Subdivisional Officer for agricultural loans.

(*b*), (*d*) and (*e*) No.

(*c*) Some of the petitions bore court-fee stamps and others did not. But neither the Subdivisional Officer nor any official ever asked for court-fee stamps on those petitions.

(*f*) Some petitions were received by the District Magistrate and prompt action was taken in all cases.

(*g*) No petition from the agriculturists of the area in question was received by Government.

(*h*) Yes.

(*i*) and (*j*) In addition to Rs. 40,000 for agricultural loans and Rs. 1,000 for gratuitous relief, previously sanctioned and distributed, a further sum of Rs. 45,000 for agricultural loans, Rs. 7,200 for test relief works and Rs. 2,000 for gratuitous relief have been sanctioned by Government and are being distributed.

(*k*) Does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the basis of his answer "no" to questions (*b*), (*d*) and (*e*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The basis is the information received by Government from local officers.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be surprised to hear that one of the members of this House, I may mention his name, Mr. Abul Fazl, moved a petition bearing no court-fee and in his presence the Subdivisional Officer said that the petition would not be entertained without court-fee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That statement does not tally with the information Government received from the local officers, and I may add for the information of my honourable friend that I myself had been to Faridpur and discussed the matter with the Collector and he assured me that there was absolutely no substance in the allegation.

Mr. SURENDRA NATH BISWAS: In view of the fact that the Hon'ble Minister has just now heard a statement that a member of this House was present at the time of moving such an application without court-fee, and that the application was rejected by the Subdivisional Officer, will the Hon'ble Minister be pleased to make a further enquiry in this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think that matters will improve or fresh information will be available by a fresh enquiry. I myself made the enquiry. I met the Subdivisional Officer and the Collector and both of them assured me that no such incident had happened.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister consider the fact that about 2,000 or 3,000 people will bear testimony to the fact that the Subdivisional Officer did not entertain that petition because it did not bear any court-fee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have nothing more to add.

Mr. SURENDRA NATH BISWAS: With reference to answers (*i*) and (*j*), will the Hon'ble Minister be surprised to hear the contents of a telegram which I received only an hour ago to the effect that "no money yet distributed affected areas. Sowing season about over. Please expedite and enquire"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have sanctioned money and money is being distributed—that is the information we have received from the Collector, and it is for the honourable member himself to judge what is the value of his telegram.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the reason why he did not go to Madaripur, although he went to Faridpur at about the time when——

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is prepared to enquire into the statement of this telegram that no money has yet been distributed and also in view of the fact that the sowing season in that *bil* area will be over in a couple of days?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have come to know that certain interested persons are creating the agitation which is based on no facts, and Government are satisfied that money is being distributed.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how can these poor agriculturists get proper remedy when their statement is really true and the report of the Government officers purely untrue?

Mr. SPEAKER: That question does not arise, because it is only a surmise.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি, যখন বিশ্বস্তসূত্রে জানা যাচ্ছে যে, সেখানে agricultural loan দেওয়া হচ্ছে না; কিন্তু মন্ত্রীমহাশয় বোলছেন যে, দেওয়া হচ্ছে, তখন তিনি নিজে যেয়ে সেখানে তদন্ত কোরবেন কি না?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not consider it necessary for me to go there personally and investigate into the matter.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is the desire of Government that the lands of this *bil* area should be sown this year with seeds to be purchased with agricultural loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly it is.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are prepared to send a telegram to the District Officer to expedite the distribution of loan, if it has not been distributed up to this evening?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have not only sent a telegram already but have asked the Collector to go to Madaripur personally and to supervise the distribution of the money, and I am sure that the Collector has followed the Government instructions.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to enquire if it is a fact that after the District Magistrate had gone to Madaripur and made arrangements for the distribution of loans, the money being in the custody of the Subdivisional Officer, the latter did not actually distribute the money on the ground that these people created an agitation and they would not be given any agricultural loan till the sowing season was over?

Mr. SPEAKER: That question does not arise.

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি, কোন্ কোন্ area তে এবং কোন্ কোন্ গ্রামে শেষ কিস্তির টাকা distribute করা হয়েছে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have no information as yet on those points.

Co-operative Banks in Bengal.

***130. Maulvi M. MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of existing co-operative banks in the province;

(*ii*) the expenditure annually incurred for maintaining staff, etc., for them; and

(*iii*) the outstanding amount of deposited money of the public in the banks?

(*b*) Is it a fact that the financial condition of the banks is getting worse and worse?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons thereof; and

(*ii*) the measures adopted to ameliorate their financial condition?

(*d*) Will the Hon'ble Minister be pleased to state how the banks are dealing with proposals for withdrawal of deposit money of the public?

(*e*) Is it a fact that such proposal is in some cases being turned down and in some cases being sanctioned?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons of the difference of dealing with similar proposals?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) 24,221.

(*ii*) and (*iii*) The hon'ble member is referred to the statements contained in the Annual Report on the working of Co-operative Societies in the Presidency of Bengal for the year ending 30th June, 1937.

(*b*) Many societies are experiencing difficulty in realising their dues.

(*c*) (*i*) Due to continued economic depression, resulting in the fall in the value of agricultural produce.

(*ii*) A scheme for rehabilitation of the agricultural credit movement is under consideration of Government.

(*d*) The banks are returning deposits fully on maturity as far as practicable. In cases where full refund cannot be made, part payment is made generally on *pro-rata* basis in terms of amicable settlement with depositors.

(*e*) and (*f*) Do not arise.

Maulvi ABDUL BARI: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state what is the nature of the scheme which is under the contemplation of Government for rehabilitation of the agricultural credit movement in the Province?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I cannot give an answer at once until a decision is taken on that scheme.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if any steps whatsoever has been taken and, if so, what is the nature of it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Steps have been taken and at the initial stage a survey has been made to find out the assets and liabilities of the members of the societies.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state when the scheme is likely to come into operation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As soon as a decision is taken in the matter.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state when the decision is likely to be taken?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: At an early date.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state since when the scheme for rehabilitation is under preparation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I cannot give an accurate idea of time; but it is for some months now.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that the economic depression set in a decade ago—since 1929?

Mr. SPEAKER: That question hardly arises.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state why he has taken three years' time to draft a scheme of rehabilitation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have been in charge of the department for a couple of years only.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that due to the apprehension of the Debt Settlement Boards workings of the societies have come practically to a dead-lock?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is a matter of opinion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the source of his information that there is continued economic depression even now so that societies are experiencing difficulties?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe it is a matter of common knowledge.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the Hon'ble the Finance Minister himself in the course of his budget statement stated that the economic difficulty experienced in the last few years is lifting?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is as much within the knowledge of the honourable member as of everyone else.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that as there is no basis for the complaint of the present economic depression, the societies have no reason to experience difficulties on this ground, but there may be some other grounds?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the difficulty experienced is due to the interference of the officials of the department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if it is a fact that several Co-operative Banks have been made over to the department by the Chief Executive Officers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state how many?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I cannot say off-hand, but some of them.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what is the condition of the banks managed by the Chief Executive Officers appointed by Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They are improving considerably.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that in a number of Debt Settlement Boards there is practically a deadlock in the proper working of the Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Dr. NALINAKSHA SANYAL: With reference to answer (*d*), will the Hon'ble Minister be pleased to state if he is aware that in the districts of Mymensingh and Rangpur there have been complaints coming from depositors for discriminating allotment of refund?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not to my knowledge.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that in the district of Jessore in the Magura Central Co-operative Bank the depositors have been trying for the last three years to get back a part of their money, but they have been totally refused?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to answer a question of such a specific nature off-hand.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister kindly read the questions (*e*) and (*f*) and say if it is a fact that certain proposals in some cases have been turned down and some cases sanctioned? Does he mean to say that proposals have not at all been turned down?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to my answer (*d*).

Mr. SURENDRA MOHAN MAITRA: With reference to answer (*d*) where it is stated that the banks are returning deposits when they have matured, will the Hon'ble Minister be pleased to state if the whole proposal of payment of deposits of any amount has been turned down?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Mr. SURENDRA MOHAN MAITRA: With reference to answer (*d*), may I take it that the Hon'ble Minister took reports from each district to ascertain whether the facts stated therein are correct or not?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Reports are called for from the officers and I think the answer given is true.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have set up any machinery to ensure that favouritism and partiality may not be indulged in in the matter of refund of deposits?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: I think it does. In the answer we find the words "as far as practicable", that is to say, there may be other grounds and I want to find out if Government have set up any machinery to see that under the garb of "as far as practicable" no other considerations may come in?

Mr. SPEAKER: That question does not arise.

Process-fees and court-fees on petitions under Bengal Agricultural Debtors Act at Dinajpur.

***131. Babu SYAMAPROSAD BARMAN:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that process-fees and court-fees on petitions, *vakalatnamas* are charged under the provisions of the Court-fees Act in appeal cases under the Bengal Agricultural Debtors Act before the Special Appellate Officers in the district of Dinajpur?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state why court-fees are so realised in violation of the rules and provisions of the Bengal Agricultural Debtors Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) These matters are under consideration of Government.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if the lawyers are allowed to appear before the Debt Settlement Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if lawyers are not allowed to appear why vakalatnamas are insisted on?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The honourable member will find that it is with regard to appeals.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that there is provision for the realisation of court-fees in respect of vakalatnamas and petitions in appeal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe the rules framed under the Act do not mention anything about vakalatnamas.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to explain what he means by "matters are under the consideration of Government"? If the rules are against charging court-fees, is there any scope for consideration?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All I can say is that we are in correspondence with the District Judge of this place to let us know the circumstances under which this has been done, and his attention has already been drawn to the provisions of the Act and the rules as well.

Mr. NISHITHA NATH KUNDU: Are we to take it that the Hon'ble Minister does not know the provisions of the Act and the rules thereunder?

Mr. SPEAKER: That question does not arise.

Sj. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if the court-fees realised will be refunded?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That also will be considered.

Recruitment of Sub-Registrars from Dacca Division.

*132. **Mr. FAZLUR RAHMAN (Mymensingh):** Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(*a*) how many Sub-Registrars were recruited during the last two years from the Dacca Division;

(*b*) how many of them belong to Dacca and Barisal districts, respectively; and

(*c*) whether any persons were recruited from the district of Mymensingh? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) 14.

(*b*) Dacca 5 and Bakarganj 3.

(*c*) No. Not during the last two years. The appointments are made on the recommendation of the Commissioners of Divisions.

Appointments made on Inspector-General of Registration's nomination and direct are very limited and these are made on a provincial basis and not in consideration of the claims of any particular district. Mymensingh had its share of appointments made in previous years. There are 26 Sub-Registrars now in service recruited from the district of Mymensingh in previous years.

Mr. PROMATHA RANJAN THAKUR: With reference to the last part of the answer, will the Hon'ble Minister be pleased to state when the Divisional Commissioner nominates candidates, does he do it on the merits of the candidates or is he instructed to take into consideration the claims of the different districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: Elaborate rules have been laid down and the honourable member is referred to the Registration Manual which contains all the instructions that have been issued for making recommendations.

Mr. CHARU CHANDRA ROY:

মাননীয় মন্ত্রীমহাশয়, অনুগ্রহ কোরে কি বোলবেন শুধু গত দু বছর নয়, গত নয় বছর ধোরে ময়মনসিংহ জেলা থেকে কোন Sub-Registrar কেন নেওয়া হয় নাই?

The Hon'ble Mr. A. K. FAZLUL HUQ: আমার খবর অন্যরকম।

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state when Sub-Registrars were appointed from the district of Mymensingh last?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am told two years ago.

Mr. CHARU CHANDRA ROY:

মাননীয় মন্ত্রীমহাশয় তাঁর উত্তরের শেষ অংশে বিশেষেন যে ২৬ জন Sub-Registrar ময়মনসিংহ থেকে নেওয়া হয়েছে, কিন্তু ময়মনসিংহ জেলার লোকসংখ্যার অনুপাতে Sub-Registrar এর সংখ্যা কি কম হয় নাই?

The Hon'ble Mr. A. K. FAZLUL HUQ: এবার বেশী কোরে নেওয়া যাবে।

Government and non-Government aided high English schools in Bengal.

*133. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing, for the present time—

(*i*) the number of Government and non-Government aided high English schools in Bengal;

(*ii*) the number of teachers serving in them respectively;

(*iii*) the amount of money spent by Government for each of these classes of schools;

(*iv*) whether the teachers in both these categories of schools have the same qualifications and have to do the same kind of work; and

(*v*) whether there is any disparity between the service conditions of Government and non-Government aided high English school teachers?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, what are the reasons therefor?

(*c*) Is the Hon'ble Minister aware that the conditions of teachers serving in non-Government aided high English schools are without any grade, security of service, or any prospect of promotion?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Minister considering the desirability of ameliorating the condition of these teachers by bringing their services at par with those of the teachers in Government high English schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Number of Government high schools 47 Number of Government aided high schools—493.

When the current year's allotments of Rs. 1,00,000 for non-Government boys' secondary schools and Rs. 70,663 for non-Government girls' secondary schools have been distributed the number of aided high schools in the province is likely to increase.

(*ii*) Number of teachers serving in (1) Government high English schools 657 and (2) aided high English schools 6,290.

(*iii*) Amount of money spent by Government for (1) Government high English schools Rs 14,41,339 and (2) aided high English schools Rs. 9,04,821 *plus* the amounts that may be distributed to high schools out of the total allotment of Rs. 1,70,663.

(*iv*) No. The majority of the teachers in aided high schools are untrained.

(a) Yes.

(b) Private employers have not the resources of Government.

(c) Yes, it is so with the majority.

(d) No. There is no such proposal.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state when the Government are not in a position to spend more than Rs. 10 or 11 lakhs for grants-in-aid to Government aided high schools, not to speak of unaided high schools, what justification can there be for not deprovincialising Government high schools and running them at a cost of about Rs. 18 lakhs?

Mr. SPEAKER: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: Sir, if you will kindly refer to question (*b*), it will be seen that the questioner expresses his anxiety to see the desirability of ameliorating the conditions of teachers, and that certainly depends on finance. My supplementary question arises out of that.

Mr. SPEAKER: In answer to that, Government say that there is no such proposal. You may ask whether the question of deprovincialisation is under the contemplation of Government.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether the question of deprovincialisation of the Government high schools as was recommended by the Sadler Commission is under the contemplation of Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: The question of deprovincialisation has been engaging the attention of Government for some years past and we are awaiting the formation of the Board for Secondary Education. After that Board is formed and the whole situation surveyed, Government may be in a position to take some decision.

Dissolution of Rangasree Debt Settlement Board, Bakarganj.

*134. **Maulvi SADARUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state the reason for the dissolution of the Rangasree Debt Settlement Board in police-station and district Bakarganj?

(*b*) Is the Hon'ble Minister aware that when the outgoing Chairman resigned his office in accordance with High Court circular, the residents of the Union along with their local M.L.A. made representation to the Collector and requested him to reshuffle the said Board with a Chairman as proposed by them?

(*c*) Will the Hon'ble Minister be pleased to state the number of cases pending at the time when the Board was dissolved?

(*d*) Are the Government considering the desirability of bringing the Board into existence in near future?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) The Rangasree Board has not been dissolved.

(*b*) Yes.

(*c*) and (*d*) Do not arise.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state since the resignation of the outgoing Chairman in November last whether the cases of the Rangasree Debt Settlement Board have been transferred to the neighbouring Board under the orders of the District Magistrate and whether the said Board has ceased to function?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, whether a case is transferred or not depends upon the circumstances of the particular case and it is transferred under the orders of the District Magistrate.

Mr. ABDUL WAHAB KHAN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state the reasons for not accepting the recommendations of the local M.L.A. for reconstituting the Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I understand that the proposal has come from the District Magistrate for consideration by the Commissioner of the Division.

Mr. ABDUL WAHAB KHAN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state the number of cases pending at the time when the Board ceased to function?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid that question does not arise from this.

Threatening to subordinates by District Sub-Registrars of several districts.

*135. **Mr. A. M. A. ZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the District Sub-Registrars of Alipore, Bogra, Burdwan, Pabna, Nadia, Dacca, Mymensingh and Head Clerks of Alipore, Jessore, Midnapore and Calcutta have been now threatening their subordinates with punishment if they continue their membership in the registered Associations?

(*b*) Whether it is a fact that a circular in the following terms was issued on the 23rd December, 1938, by the Registrar of Assurances, Calcutta, "All the clerks, muharrirs and extra muharrirs of this office are requested to note against their names in the endorsed sheets as to whether they are members of an Association registered under the Trade Union Act and not recognised by the Government. This information is wanted in order to submit a report regarding the conduct of the ministerial employees of this office to Government. If the answer to the above query is in the affirmative, they are directed to show cause why their case should not be severely dealt with for becoming members of an unrecognised Association which is against Government Servants Conduct Rules"?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to explain the reasons thereto?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I am not aware of any such threats having been made.

(*b*) Yes.

(*c*) The circular was issued by the Registrar of Assurances, Calcutta, in error and under a misapprehension, at a time when the question of the recognition of the All-Bengal Registration Employees' Association was under the consideration of Government.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state when the Registrar of Assurances, Calcutta, withdrew the circular which was issued formerly by him?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice, Sir.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state under what circumstances and under what rules and regulations the Registrar of Assurances, Calcutta, was entitled to issue such a circular to all the employees?

Mr. SPEAKER: That question does not arise.

Mr. J. N. GUPTA: In view of the answer to (*c*) that the circular issued by the Registrar of Assurances, Calcutta, was in error and under a misapprehension, will the Hon'ble Minister be pleased to state if that fact was made known to the Sub-Registrars and their employees?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say unless I get time to enquire.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to take steps to circulate this fact to the Sub-Registrars and their employees?

Mr. SPEAKER: I take it that the question answered here is sufficient for the purpose.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased state if he is aware that as a result of this circular many members of the Association through fear of disciplinary action have tendered their resignations to the Secretary through their respective Sub-Registrars who forwarded them.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it will be better if a substantive question were put. In a supplementary question I cannot answer off-hand matters of detail.

Close of the Gumti embankment in Comilla.

*136. **Mr. DHIRENDRA NATH DATTA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that portion of the Gumti embankment that runs through the town of Comilla has been closed by putting iron pegs thereon to the wheel traffic and for keeping the embankment *kaccha;* and

(*ii*) that the Municipality of Comilla had petitioned the Government for metalling the said portion of the embankment?

(*b*) Do the Government consider the desirability of taking steps for metalling the embankment or for allowing the Municipality to metal the embankment?

MINISTER in charge of the COMMUNICATIONS AND WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) Yes.

(*ii*) The Comilla Municipality have requested the Executive Engineer to metal the crest of the embankment at Government expense.

(b) If the Comilla Municipality apply for permission to widen and metal the crest of the embankment at their own expense, the matter will receive my consideration.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the Government will consider the desirability of metalling the road at their own expense?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No.

Mr. DHIRENDRA NATH DATTA: If the Comilla Municipality metals the crest of the embankment at its own cost, will the Hon'ble Minister be pleased to state whether Government are prepared to maintain the road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Thefts and dacoities in Chittagong district.

*137. **Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing, thana by thana, for the last 3 months commencing from the 15th of November, 1938, the number of thefts and dacoities committed in the district of Chittagong?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): A statement is laid on the Library table.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Proposed Chittagong Government Agricultural Farm.

47. **Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Agriculture Department aware that the authorities of Chittagong Yatimkhana (orphanage) have acquired nearly 246 acres of land in the village Badarpura, near Chittagong town, mainly to introduce the improved methods of cattle breeding, poultry, fishery, planting vegetables and cultivation to agriculturists in general and to students in particular?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of purchasing similar plots for the Chittagong Government Agricultural Farm?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The Chittagong Yatimkhana has obtained *raiyatwari* settlement of 213 acres of land in Mauza Badarpura for the purpose of training students in improved methods of cattle-breeding, poultry, fishery, vegetable-gardening and agriculture in general and also demonstration of the same to local agriculturists.

(*b*) No. The establishment of a Government Agricultural Farm involves the construction of permanent buildings and also a large expenditure on layout which cannot be done except on land vesting absolutely in Government, free of all encumbrances. It is therefore necessary to acquire the land required for the Government Farm under the Land Acquisition Act.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what is the improved method of cattle-breeding?

Mr. SPEAKER: I am sure if you cannot draw your own conclusion nobody will be able to help you.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether any site has been secured for the purpose?

The Hon'ble Mr. TAMIZUDDIN KHAN: I ask for notice.

Breaches in Gumti embankment in Tippera.

48. Maulvi MAFIZUDDIN AHMED: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there were some breaches in the Gumti embankment during the last rains which caused a flood in the Tippera district; and

(*ii*) that the flood destroyed the crops of a vast area?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the approximate estimate of the damage caused by the last flood in the said district?

(*c*) Do the Government propose taking any steps for stopping a recurrence of such floods?

(*d*) If so, what steps are in the contemplation of the Government in that direction?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The attention of the hon'ble member is invited to the reply which I gave on the 28th February, 1939, to Mr. Maqbul Hossain's starred question No. 37.

Family budgets for industrial labourers.

49. Dr. SURESH CHANDRA BANERJI: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the Bengal Board of Economic Enquiry has already submitted to the Government the family budgets for industrial labourers?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when it will be available to the members of the Assembly?

(*c*) If the answer to (*a*) is in the negative, is the Hon'ble Minister considering the desirability of urging upon the Board to submit the family budget without delay?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No.

(*b*) Does not arise

(*c*) I understand that the Board which has just been reconstituted is taking up the work shortly.

Bengal Board of Censors.

50. Mrs. P. B. BELL-HART: (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether the Bengal Board of Censors has been formed on a religious basis?

(*b*) If so, what Christian religions were consulted and what religions are represented on the Board?

(*c*) Is it a fact that Europeans, Hindus and Muslims are represented on the Board?

(*d*) If so, is the Hon'ble Minister considering the desirability of nominating an Anglo-Indian to the same Board?

(*e*) If no Anglo-Indian is to be nominated, will the Hon'ble Minister be pleased to state the reasons thereof?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

(*c*) Yes.

(*d*) Not at present.

(*e*) It is not the policy of Government to give representation to every community. The size of the Board is already large and Government do not propose to increase it.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state when he is expected to include an Anglo-Indian in the Board with reference to answer (*d*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will refer the honourable member to my answer (*e*).

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether he is ready to take Indian Christians and Scheduled Castes people on the Board?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will refer the hon'ble member to my answer (*e*).

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state what is the reason for his departure from the principle of giving communal representation on this particular Board?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will refer the hon'ble member to answer (*e*).

Communal ratios of promotions in the posts of Deputy Collectors.

51. Maulvi MD. HASANUZZAMAN: (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to lay on the table a statement showing, year by year, from 1930 to 1938:—

(*i*) the names of Sub-Deputy Collectors promoted to Deputy Magistrate;

(*ii*) number of Hindus and Mussalmans promoted; and

(*iii*) their percentages of promotion?

(*b*) Is there any vacancy in the cadre of Deputy Magistrateship?

(*c*) If so, when is it likely to be filled up?

The Hon'ble Khwaja Sir NAZIMUDDIN: Since the criteria for promotion are seniority and merit, there can be no question of regulating promotion on a communal basis. In the circumstances I think the hon'ble member would not wish me to undertake the labour of compiling the information for which he asks.

Adjournment motion.

Mr. SURENDRA NATH BISWAS: Sir, I beg your leave to move an adjournment motion for which I have got your consent.

Mr. SPEAKER: Why did you not move it yesterday?

Mr. SURENDRA NATH BISWAS: Because one adjournment motion was moved yesterday and according to your ruling no other motion could be taken up.

Mr. SPEAKER: When was section 144 promulgated?

Mr. SURENDRA NATH BISWAS: It was promulgated during the last fortnight or something like that.

Mr. SPEAKER: I am afraid, in that case I cannot——

Mr. SURENDRA NATH BISWAS: Sir, will you kindly hear me before giving your ruling? If I can make out a case, I hope —

Mr. SPEAKER: I can quite appreciate your anxiety, and I know no judgment is passed without hearing.

Mr. SURENDRA NATH BISWAS: It is not the order under section 144 which I am questioning, but the situation arising out of the promulgation of that section. I have already submitted the facts of the case to you, Sir, and I want to explain the situation which has arisen.

Mr. SPEAKER: I have gone through your statement very carefully, but I am afraid, all that I can say is that the motion is not in order.

Mr. SURENDRA NATH BISWAS: Sir, may I put one question to the Hon'ble Minister?

Mr. SPEAKER: Yes, that you can.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether section 144 has been served upon thousands of tenants, who are already on the land, not to enter the lands on which they have constructed their huts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Section 144 has been promulgated just to prevent the people from taking forcible possession of Government lands already leased out to other tenants. On a wrong interpretation of the amended section 86 (A) of the Bengal Tenancy Act the old tenants have been encouraged to oust the tenants already in possession. So naturally the District Magistrate had no other alternative than to promulgate orders under section 144 to prevent imminent breach of the peace which was imminent.

GOVERNMENT BILL.

The Bengal Finance Bill, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. Speaker, Sir, I beg to introduce a Bill to make an addition to the revenues of Bengal and for that purpose to impose a tax on professions, trades, callings and employments.

(The Secretary read the short title of the Bill.)

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir——

Mr. SPEAKER: Not at this stage but after the next motion has been moved.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg also to move that the Bengal Finance Bill, 1939, be taken into consideration.

Dr. NALINAKSHA SANYAL: May I know, Sir, why you have not permitted the point of order at the stage of introduction? It might have been in connection with the introduction itself.

Mr. SPEAKER: I have been following the convention that all such matters should come at a later stage when the next motion is moved.

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. I submit that this Bill does not come within the purview of the Provincial Legislative List; it comes under the Federal Legisaltive List because the tax that is sought to be imposed by this Bill is not dependent upon trades, professions, callings and employments but dependent upon the possession of a certain income, namely, Rs. 2,000 or upwards. Sir, item No. 46 of the Provincial List does not contemplate the imposition of a tax on all trades, professions and callings

and on all employments. It contemplates imposition of a tax on certain trades, professions and callings or certain employments irrespective of the income of the persons who will be subjected to the tax. So, Sir, I submit it is really a tax on income and does not come within the purview of the Provincial list but comes within that of the Federal List, and that the Federal Government can levy and collect such a tax.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, there is a confusion regarding the incidence of the tax and the base of the tax and the source out of which it is paid. In this Bill I have taken income as the base, not for the source from which it is paid, and therefore it comes under the Provincial List I can also say that two or three provinces have passed Acts on these lines.

Dr. NALINAKSHA SANYAL: I hope, Sir, the Reporters have taken correctly the statement "income as the base".

Mr. SPEAKER: I feel that at the outset I should make a definite decision on this point as to what extent the Speaker can interfere in this matter. I might say this is a matter which is engaging the attention of Speakers of all the provinces as to what extent the Speaker should interfere in a matter which might ultimately come to the Federal Court, and it is the unanimous agreement that in a legal matter or any other which is likely to be brought before the Federal Court the Speaker by his decision should not stand in the way. If it is a matter which is wholly beyond the competency of the Legislature, the Speaker should not give a decision, but it must go to the Federal Court.

Mr. SANTOSH KUMAR BASU: With regard to this matter and another which cropped up yesterday—such matters are likely to crop up again before this Legislature for your decision, I submit that you will kindly consider whether the attitude which you have taken up is the correct attitude to take.

Mr. SPEAKER: I should be glad if you will conveniently discuss this matter with me in my chamber.

Mr. SANTOSH KUMAR BASU: I am much obliged to you for that. For the time being may I point out that if the Speakers of subordinate legislatures—subordinate in the sense that they cannot encroach upon the Federal List—on all such occasions make it a rule that whatever is brought forward either by Government or by a non-official member by way of a Bill or motion cannot possibly be touched by the Speaker even if he is convinced——

Mr. SPEAKER: I did not say, he cannot, but he should not.

Mr. SANTOSH KUMAR BASU: ——even if he is convinced that it is palpably and manifestly illegal because in that event, with our eyes open, the Legislature might be committed to adopt a course of legislation which is palpably and manifestly illegal.

Mr. SPEAKER: Certainly, in case I find that I am palpably convinced that a matter is beyond the competency of the Legislature, I shall give my decision on the matter to that effect, and what I have said in this connection should not be taken as an absolute proposition. When I am not perfectly satisfied in my own mind that it is within the competency of this Legislature, that is quite a different matter.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, in view of the admission of the Hon'ble the Finance Minister, there can be no doubt in anybody's mind that the imposition of these taxes is based——

The Hon'ble Mr. NALINI RANJAN SARKER: I did not say that, Sir.

(Cries of "based, based" from Congress members.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it was "base"——

Rai HARENDRA NATH CHAUDHURI: Sir Nazimuddin, don't try to correct!

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. The Hon'ble Mr. Sarker said "base" and not "based".

Mr. SPEAKER: The decision will not depend on the *obiter dictum* of the Hon'ble Minister but on the Bill itself. (Laughter.)

Mr. NISITHA NATH KUNDU: Mr. Speaker, Sir, I want to oppose the motion.

Mr. SPEAKER: Yes, after the amendments are moved. It will simplify matters if I call on the members to move their amendments formally and then there will be one debate on all of them.

I now call upon Maulvi Abu Hossain Sarkar to formally move his motion.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1940.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1939.

Mr. P. BANERJI: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1939.

Mr. J. W. CHIPPENDALE: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1939.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1939.

Babu NAGENDRA NATH SEN: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1939.

Mr. SPEAKER: Dr. Sanyal.

Dr. NALINAKSHA SANYAL: No, Sir, I won't move the amendment standing in my name, but I would like to speak on one of these amendments.

Babu PREMHARI BARMA: Sir, I beg to move

Mr. SPEAKER: Have you got the consent of the members?

Babu PREMHARI BARMA: Sir, I have got the consent of some members though not of all As I got this consent only last evening I could not communicate it to the proper quarters.

Mr. SPEAKER: I am afraid that in that case I cannot allow you to move the amendment standing in your name.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Nalini Ranjan Sarker,

(2) Mr. G. Morgan,

(3) Mr. C. Griffiths,

(4) Maulvi Abdul Bari,

(5) Maulvi Abdul Latif Biswas,

(6) Mr. Abdulla-Al Mahmood,

(7) Maulvi Abu Hossain Sarkar,

(8) Babu Upendra Nath Barman,

(9) Maharaja Shashi Kanta Acharyya Choudhury, of Muktagacha, Mymensingh,

(10) Mr. Atul Chandra Kumar,

(11) Mr. Dhirendra Nath Datta, and

(12) Mr. Surendra Nath Biswas,

with instructions to submit their report by the 30th June, 1939, and that the quorum of the Select Committee be fixed at five.

Babu NAGENDRA NATH SEN: Sir, I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Nalini Ranjan Sarker,

(2) Mr. Sarat Chandra Bose,

(3) Mr. Jogesh Chandra Gupta,

(4) Dr. Nalinaksha Sanyal,

(5) Mr Haripada Chattopadhyay,

(6) Mr Shamsuddin Ahmed,

(7) Maulvi Abu Hossain Sarkar,

(8) Mr. Syed Jalaluddin Hashemy,

(9) Mr. Nishitha Nath Kundu,

(10) Mr. J. N. Gupta,

(11) Mr. Jatindra Nath Basu,

(12) Rai Bahadur Jogesh Chandra Sen,

(13) Mr. Hem Chandra Naskar,

(14) Dr. H. C. Mukherji,

(15) Maharaja Sashi Kanta Acharyya Choudhury, of Muktagacha, Mymensingh,

(16) Maulvi Abul Hashim,

(17) Mrs. Hasina Murshed, and

(18) Babu Nagendra Nath Sen,

with instructions to submit their report by the 1st June, 1939, and that the quorum of the Select Committee be fixed at ten.

Mr. SPEAKER: Have you got the consent of all the members?

Babu NAGENDRA NATH SEN: Yes, Sir, excepting that of Mr. Shamsuddin Ahmed. I have omitted some names whose consent I did not seek, and they are Nos. 16 to 23 in the printed agenda, with the exception of Maulvi Abul Hashim.

Mr. SPEAKER: The Bill is now open to discussion. May I know whether there is any speaker from the Praja Party?

Maulvi ABU HOSSAIN SARKAR: Sir, I wish to speak.

Mr. SPEAKER: I have got a list of the Congress Party speakers. I will first of all call upon Mr. Datta, and after him you can speak.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, the imposition of this tax will cause great hardship to the poor middle-class people. Certainly, Sir, it is a tax which is highly oppressive and will fall more heavily on persons in the lower ranges of income than on persons enjoying higher incomes. To moneyed princes like the Hon'ble Mr. Nalini Ranjan Sarker the tax will not appear to be oppressive, but certainly it will be highly oppressive to people like us. The Hon'ble Mr. Sarker in his speech has not assigned any reasons for imposing this new tax. He has only given a vague idea as to why it will be necessary to launch upon new schemes, but he has not given any idea what the new schemes would be. To tax people for the pleasure of levying taxation is a serious thing. During these two years, Mr. Sarker has failed to evolve any new schemes with the additional resources at his disposal. What guarantee is there that he will be able to evolve new schemes even after the imposition of a tax like this? Certainly, Sir, we cannot be expected to tax poor people for the sole purpose of allowing the Ministry to spend money for the distribution of patronage and for carrying on a false propaganda on behalf of the Muslim League.

With these few words, Sir, I submit that this is a tax which should not be imposed and it is necessary that the Bill be circulated for eliciting public opinion thereon.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I consider this measure to be one of the blackest Bills sponsored by the present ministry of Bengal. Of course, I cannot expect anything better from the present Ministry, the majority members of which are capitalists and zemindars. By this Bill a tax is sought to be imposed on the middle-class people of Bengal. It will not touch the pockets of the landlords. Unfortunately, Sir, though I submitted an amendment for

roping in the landlords of Bengal, my amendment was rejected and that is how they escaped. The capitalist too will not be harmed in any way by paying Rs. 30 a year. We are not taking away from them the price of even half a bottle of champagne or half a bottle of whisky or the price of cigarettes which they smoke in the course of a single evening in luxurious hotels. This measure will touch heavily the pockets of the middle-class people like doctors, professors, lawyers, petty merchants, clerks, and petty shop-keepers. I think, Sir, that there is a regular conspiracy by the present Ministry to suppress the middle-class people who are supposed to be agitators, congressmen, leaders of the peasant movement and the left-wingers of the Muslim Group who do not easily submit to the threats of the Mina Peshawari school of political thought, and who refuse to be baptised by the water of the Buri Ganga of Eastern Bengal.

We cannot submit to a taxation of this nature which practically goes against the intelligentsia of the country. I may submit to a taxation had the Ministry been contemplating any nation-building activities, as we wanted from the beginning of the functioning of this Ministry. There is nothing under contemplation for relieving the poverty-stricken agriculturists of Bengal by liquidating their debts. No plan has been undertaken for introducing primary education among the masses of our country without taxation. There is no provision for industrialisation of the country; there is no provision for sufficient irrigation or irrigation schemes for the country. In spite of that, the poor middle-class people of our province are going to be taxed at the rate of Rs. 30 per year. As my friend, Mr. Dhirendra Nath Dutta, submitted, we are not injuring the richer section of the population. May I ask, Sir, why the intelligentsia, the middle-class people, are only going to be taxed? The richer section of the population are rolling in wealth; in spite of that no taxation is imposed on them, as the proposed tax is not a graduated one. What is the necessity of a flat rate of taxation on the poor people alone? Had there been a deficit budget, there might have been some reasons for taxing the poor people of our country. But the budget this year is not in reality a deficit one. It is only a deficit budget because of some mishandling of the public money. This year the Ministry is going to give good money of the poor people to the rich and the luxurious people—practically they are going to spend a good amount of money for institutions managed by maharajas and zemindars of Bengal. For example, they are giving money to the college managed by the Maharaja of Burdwan: they are giving money to an institution which is being managed by the Maharaja of Cossimbazar: they are going to give about Rs. 75,000 to a college which is being managed by the zemindars of Karatia in the district of Mymensingh: they are going to give money to the paper "Azad" and to a gentleman who has no other qualification but to introduce communalism in our country——

Mr. SPEAKER: Order, order. I am afraid you are going too much towards irrelevancy. You must confine yourself to the motion for circulation. What Government are doing in other matters is wholly irrelevant.

Maulvi ABU HOSSAIN SARKAR: I submit this Ministry is spending money right and left without considering the condition of the poor people. They are spending money for propaganda and giving money to a gentleman who has good reasons to be communal. It is reported in papers——

Mr. SPEAKER: Order, order. You are again speaking irrelevantly. Such remarks would be appropriate at the time of budget discussion; so you should keep them for some other occasion, e.g., at the time of discussing the budget proper. At the present moment you should confine yourself to considering what justification there is for this Bill being not considered in the House and being sent to a Select Committee.

Mr. SANTOSH KUMAR BASU: Are we to understand, Sir, that in considering whether a new taxation should be imposed or not the expenditure which is going to be undertaken by Government is not relevant for discussion, and if for the purpose of illustrating an argument a member puts forward criticism of the expenditure, is this to be ruled out?

Mr. SPEAKER: He can make general remarks.

Maulvi ABU HOSSAIN SARKAR: I thought that it would be relevant to refer to the way that Government is going to spend money——

Mr. SPEAKER: That would be relevant at the time when the Bill would be taken up clause by clause. I think what Mr. Basu referred to would be perfectly relevant when we discuss the clauses of the Bill. But at present we are not concerned with that. Now you are merely to speak on the reasons why it should or should not be circulated.

Maulvi ABU HOSSAIN SARKAR: Government are practically squandering away public money. Had there been any scheme which would have benefited the country as a whole, the people would not have objected. In the budget speech of the Finance Minister, we find that they have established some dozens of committees and most of the committees are useless and irregular. Some of them were practically

brought into existence just before the day of the discussion of the no-confidence motion. I submit, these committees can be termed as no-confidence committees and these committees were established only to catch votes on behalf of the present Ministry. I submit if in this way and that way public money is squandered away, the Ministry has not the slightest right to tax people—and that also not all people but a particular section of the people who are politically alive, and who try to improve their country economically and politically. With these remarks, Sir, I commend my motion for the acceptance of the House.

Dr. NALINAKSHA SANYAL: I beg to support the motion for circulating the Bill for the purpose of eliciting public opinion. I do it with a sense of responsibility that the consideration of a Finance Bill deserves. I support the motion first because it is untimely and no case has been made out by the Hon'ble the Finance Minister for imposing a fresh burden of taxation on the people of the province, and secondly because the Bill is ill-conceived, it is iniquitous and it militates against the fundamental principles of public finance in several ways. In the first place, as some of my honourable friends have already pointed out, the Hon'ble the Finance Minister has so far, during the last two years, only shown special credit for maintaining a Coalition budget by granting some amount of doles and some palliatives here and there for maintaining the Coalition Party. When things are managed in that manner, the public of Bengal have a right to know, before any new taxation is imposed, whether Government are really prepared to make good use of the money that is going to be raised thereby. We find that the provisions of the Bill only affect certain classes of people who are, as my friend, Maulvi Abu Hossain Sarkar, pointed out, politically alive, and, more so. I would not speak only as a person belonging to a particular party but as one who also belongs to a big community. I would like to point out that the bulk of the burden of this taxation falls on the Hindus, particularly, the middle-class Hindus of the province. The trouble is that in this Bill those who really can afford to pay have been exempted, and why I do not know. Probably because some of them are even now supporting the Government—I mean the zemindars and rent-receivers of big houses in Calcutta who have been excluded—the Europeans also have been excluded. Europeans have been excluded because they earn through Corporations and Corporations cannot be taxed by the Provincial Legislature. The burden of this taxation thus falls mainly on middle class Hindus who carry on largely trades, professions and business and pay income-tax to the coffers of the Government of India, part of which comes back to the province. The fact remains that the agitation in this province for the freedom of the country has been largely carried on by such classes whom this Bill seeks to tax. Is it not really unfair that you should keep free big men, say, the Maharaja of a certain

place or a big man, who is earning a very large income by simply holding a large number of Government papers in his iron safe or who has got large buildings in Calcutta, while humbler persons are going to be taxed? None of those big people are going to be taxed. I call this Bill ill-conceived and iniquitous for this reason. It further militates against the principle of Public Finance. In Public Finance, unlike private finance, it is the scheme of expenditure that has got to be first drawn up; in private finance we try to earn something first and after we have got money in our pockets we try to use that as best as we can for our comforts or for other purposes. In public finance the Finance Minister has got first to find out what ameliorative or other measures he has before him, actually passed and ready, for which he cannot find money and thereafter if present finances do not permit, he can seek the opinion of the Legislature as to whether fresh taxation would be permitted. It is a very fundamental thing that no taxation proposal should be put to any House (a house that calls itself democratic) before the schemes for utilizing the funds out of that taxation are approved. I have never heard of any scheme of taxation even in the Central Legislature of India being put through by any Finance Member without giving an idea to the house as to why this taxation had been felt necessary and how generally the money was going to be spent. I am afraid this kind of acceptance of a tax will open out many kinds of difficulties. As we are all aware, we had even in the last year's or rather in the current year's budget, several items of large sums of money lapsed, because Government had no schemes ready. There have been promises. In the nature of things, as the Government of our province are run, there must be some promises and there had been promises of expenditure, but those promises could not be redeemed because the Government had no policy. Government had no sound schemes ready. On their own admission as anybody who will look up the Red Book of the Budget will find that large sums have lapsed. In order to cover up the sin, last year when the budget was presented, a new innovation was introduced of granting lump sum grants. This policy of granting lump sum grants was for the first time introduced in our province, because the Cabinet wanted to give some bluffs I would say, or if that word is too strong, I would say they wanted to give some empty promises to their party members. A sum of Rs. 5 lakhs was earmarked for expenditure for the Scheduled Castes but that could not be spent, because Government had no scheme.

The Hon'ble Mr. A. K. FAZLUL HUQ: That is wrong. You do not know.

Dr. NALINAKSHA SANYAL: I believe the Chief Minister knows more than the Finance Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: You are ignorant and yet you are talking.

Dr. NALINAKSHA SANYAL: Everybody knows that our Chief Minister is an adept in manufacturing things.

The Hon'ble Mr. A. K. FAZLUL HUQ: I object to that. Will the honourable member withdraw?

Dr. NALINAKSHA SANYAL: Even when the budget figures tell a different tale, the Chief Minister would try to interrupt me!

The Hon'ble Mr. A. K. FAZLUL HUQ: Why don't you talk in Bengali if you cannot speak in English?

Dr. NALINAKSHA SANYAL: Because you cannot understand otherwise. You are too much enamoured of English.

The position to-day is this: that the Government have a plethora of funds. They have during the last two years allotted large sums of money for different schemes, schemes which are not ready, and have sought our vote on lump sum grants. They had it but they could not spend the money. In the face of that it is absurd to think that this House would give them permission to impose fresh taxation. I therefore suggest that the public be taken into confidence and that the Bill be sent for public opinion (I would not like a very long period; a short period will do); but a Bill of this character should have sufficient public backing. It is the first of its kind in this province and I would request the Finance Minister to think twice before he rushes a Bill of this nature through the Legislature.

My friend Mr. Dutt has already pointed out that apart from the economic difficulties there are certain technical difficulties in this connection—technical difficulties of law. It cannot be conceived that when the Government of India Act was enacted, it was thought of that the Government of a province would think of taxation on all trades, all professions and all employments in the province irrespective of their character and nature. We have similar authority given to the municipalities, the Corporation of Calcutta, Local Boards and Union Boards to levy some kind of taxes and cesses on professions and on income from properties of different character. If all these provisions are similarly meant to be applied and interpreted in the manner that this Government seeks to interpret the Act, then it will be creating an impossible situation. All municipalities will be entitled to impose a tax on all professions and all employments carried on within the municipalities, because the municipalities have got under the law the right to tax particular and specific employments and particular and

specific professions. This is an interpretation that I in my humble belief feel wholly wrong and I would like the Finance Minister to take this opportunity to consult proper legal opinion and to wait till the highest legal opinion in the matter is obtained.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Is that necessary?

Dr. NALINAKSHA SANYAL: That is my humble opinion; I am not a lawyer.

I submit that the Hon'ble Maharaja of Cossimbazar has reasons to be elated that although he is earning a good amount of money, this Bill does not touch him. He is not carrying on any profession. His earnings come from properties which he may call agricultural income and probably he will take recourse to the Debt Settlement Boards for relief, if necessary.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is a mis-statement of facts.

Dr. NALINAKSHA SANYAL: Probably, but there is nothing to prevent you, as one of your own colleagues has already done it.

This tax is going to be one of the most iniquitous taxes imposed on the middle-class population.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: By whose money was the honourable member educated?

Dr. NALINAKSHA SANYAL: I have not heard you properly, but if my impression of what you said is correct, I may say at once that I had no charity from you, nor anyone I know of. Your charity may have been on girls and not certainly on myself.

Mr. SPEAKER: Order, order. You must withdraw that expression.

Dr. NALINAKSHA SANYAL: May I have your protection? The Hon'ble Minister made an objectionable observation.

Mr. SPEAKER: I have heard though not quite distinctly the words "your charity is used for girls". You must withdraw that portion.

Dr. NALINAKSHA SANYAL: The word "girl" is withdrawn.

Mr. SPEAKER: It is not a question of legal chicanery. You must withdraw that expression.

Will you withdraw that expression?

Dr. NALINAKSHA SANYAL: I have withdrawn the "girls"?

Mr. SPEAKER: Have you withdrawn the expression?

Dr. NALINAKSHA SANYAL: Yes, I have. The position is this. I do not know how things are managed in this province, but I know this much that so far as public finance goes, it would be extremely unfair to have taxation proposals agreed to without previous examination of schemes and without previous approval of schemes on which the money was going to be spent. I therefore support the motion for circulating the Bill for eliciting public opinion thereon.

Mr. SPEAKER: It would be convenient if I adjourn the House now, but before I do so I want to inform you that I have just had news that His Excellency Sir Robert Neil Reid was operated upon for acute appendicitis this afternoon and that the operation was successful. On your behalf I wish to send a message of our best wishes for speedy recovery to His Excellency. I request you, Ladies and Gentlemen, to signify your assent by rising in your seats.

(All the members signified their assent by rising in their seats.)

(At this stage the House was adjourned for 15 minutes.)

(*After adjournment.*)

Mr. J. W. CHIPPENDALE: Sir, this is a very important matter which involves large issues and therefore I move that this Bill be circulated for eliciting public opinion. In this session this is not the only Bill that is put before us. There are some Bills of a very minor importance and they are being circulated for eliciting public opinion, whereas this most important Bill which affects a very large class—a large number of persons in every community in Bengal—is to be now considered and passed. I cannot see, Sir, what is the ground upon which this Bill is put forward to be considered and passed, whereas most trivial Bills which would be passed simply if they were presented before the House are sent for circulation to elicit public opinion. The only principle that I can see in this Bill is that money is needed and money must be got, somehow. If this had been an indirect tax, there would not have been much to say. But this is not an indirect tax but a direct one, and in a matter of this kind, amongst

other things, there are two most important considerations—first, the effect that a Bill of this nature will have upon the people whom it affects and secondly, the incidence of the Bill. In the previous sessions we passed the Bengal Tenancy Amendment Act. Can we say that by the Act which we have passed we have been able to please the landlords of Bengal? Certainly not. We have tried our best to ameliorate the condition of the peasants in many ways and in various directions. Do you think for a moment that the peasant of Bengal is satisfied? It was only the other day that we heard that the tenants who took water from the Government canal under a contract have flatly refused to pay what they contracted for? They refused to pay their dues; hence it is perfectly clear to my mind that the peasantry of Bengal have not been satisfied. They expect something more. And on the top of this comes this tax, Sir, this tax affects not only professions but trades, callings and employments of every kind. Now, who are the people affected by this tax? Practically, it means the whole of the middle class of Bengal. They are sought to be taxed now. The Government are not satisfied with what they have done, and with the feeling they have created amongst the zemindars. They are not satisfied with the feeling which they have created amongst the peasants. They are now trying to create further trouble, further turmoil amongst a very large and influential class of people in Bengal For, this class includes everybody who is trying to earn an honest living. In this Bill there is no distinction drawn between a man who can pay and a man who cannot pay The large corporations in Bengal are not touched. It is only the poor people that are being harassed;—particularly, the young people who are just beginning life;—these will be affected most. A man who earns Rs 167 a month, if he belongs to a profession, trade, calling or employment—the words are very wide—is bound to pay income-tax, and he is now further called upon to pay this extra tax of Rs. 30 a year. There is no distinction drawn between a man who earns Rs. 167 and a man who earns Rs. 6,000 a month—absolutely none. It is said that they cannot have any graduation in this tax. They fear graduation. Personally, Sir, I do not think that there is any difficulty in graduating and not touching Federal jurisdiction. As a matter of fact, this is a tax on income—income which a man gets as an employee, an income which he earns as a professional man, an income which he earns in his calling, or by keeping a shop or carrying on trade. The distinction drawn by the Finance Minister does not appeal to me and surely it does not appeal to the other members of the House. It is something like the distinction between tweedledum and tweedledee. I request that I cannot formulate his distinction and difference in any better language.

Now, Sir, this tax, as I have said, does not draw any distinction whatsoever between the man who is earning a large income and a man

who is earning a paltry sum, so that we must be prepared to face unrest, disaffection and discontent of every kind. Looking at the Bill from every point of view you will see that it satisfies no section of the public of Bengal. There is no doubt in my mind that this is deliberately calling for trouble. And if Government want to court trouble, they will have it, and we shall be the sufferers thereby.

The next point which I should like to take is the incidence of this taxation. The tax is a very general one. Most of the people who are affected by this tax live in municipal areas where they are forced to pay a licence fee. The licence fee of persons who fall within these four classes is a very heavy one, so that they pay not only income-tax but also a licence fee and in addition to that they will now be compelled to pay a further tax. If there was some proviso whereby people who have just started life or who are struggling to make both ends meet could be given relief, I can quite understand and appreciate it. It is said, that they cannot have graduation; they are afraid of interfering with the Central Legislature—a fear which I do not admit. I may be wrong, or I may be right. If that be true, why was not a proviso inserted? Why were not the sections of the Act qualified or a saving clause added?

I say, Sir, it has been deliberately done, and I think this tax, if it is allowed to exist, will cause great hardship to the middle classes. I should be very sorry indeed for the Government of the day if this Bill were passed into law.

Then, Sir, we have also to consider one other aspect, viz., this: is it too late now to send it to the people to consider its provisions? Which is better? That you should tax persons who form a very important part of the community without consulting them or after consulting them? We are now trying to push on this piece of legislation, to hurry it through the Assembly and get it passed. Is it not wiser to have this Bill circulated to those people who are actually affected by the tax? Have they not at least a moral right to be informed as to what is being done and what they would like to be done? Is it not better to get their approval and concurrence? Personally, I do not like to pay any tax, and I am sure there is no one in this House who enjoys and welcomes the idea of paying a tax. This cannot be denied. But on the other hand, you will find that 90 per cent. of the people are reasonable. When they know that money is needed for purposes of administration they will gracefully give in and pay the tax. Now, do you not think it necessary that in a Bill of this nature there should be circulation? What is the harm if people are invited to consider it? Unfortunately, the Hon'ble the Finance Minister has not given any reasons; however, that does not matter. If the Bill is circulated, they will be able to discover what is the

purpose behind this Bill—the reason for the Bill, and, perhaps, who knows they may even approve of it; if not they will certainly be able to make some valuable suggestions.

(At this stage the member reached the time-limit.)

Mr. J. W. CHIPPENDALE: May I have half a second more?

Mr. SPEAKER: All right.

Mr. J. W. CHIPPENDALE: What weighs heavily with me is that this Bill will paralyze youthful effect and endeavour, and necessitate straitened circumstances at home to be still more straitened. (Cries of "Hear, hear" from Congress members.)

With these words, Sir, I move that the Bill be circulated.

Mr. NISHITHA NATH KUNDU: Mr Speaker, Sir, I oppose the consideration of the Bengal Finance Bill and support the motion for circulation moved by my friend Mr. Abu Hossain Sarkar.

I oppose this Bill not because I always disfavour imposition of taxes, but because I want to be satisfied, before we are asked to vote for such a Bill, with reasons for introducing a Bill of this nature. In my opinion, Sir, Government have forfeited the right of introducing such a Bill because of the plain admission in the budget statement by the Hon'ble the Finance Minister that they could not spend moneys as the schemes could not be materialised for want of time and also for want of schemes. It is a matter of great misfortune, Sir, that after such a statement Government have ventured to introduce such a Bill in this Assembly and expect support from us. Sir, it is a Bill the effect of which, if passed into an Act, will certainly be disastrous to the economic life of those who have minimum assessable incomes or have incomes near about the minimum. I would ask the members of this House seriously to consider how these classes of assessees pay their income-tax These assessees generally pay income-tax which varies between Rs. 52 and Rs. 60 a year. With an income of Rs. 2,000 you cannot expect that this class of assessees can meet their bare necessities. In trying to meet their bare necessities they have to incur debts and they have to incur debts again in order to pay their share of the income-tax. Sir, what will be the effect if this Bill is passed into an Act? The effect will be that a person will have to pay Rs. 52 *plus* an additional sum of Rs. 30, i.e., 50 per cent. more. There is yet another class of assessees who are granted marginal remedies by the Income-tax Officers. These are assessees who in their income-tax statement put their incomes just below Rs. 2,000. The Income-tax Officers in their cases do not generally exempt them from taxation,

but what they do is that they grant them marginal remedies and the tax in their cases varies between Rs. 10 and Rs. 15. So, in such cases, they will have to pay double the amount in addition to what they pay at present as income-tax. I would again ask the members of this House seriously to consider the baneful effect that the imposition of this new tax will have on their economic life which is already very miserable. Of course, I must praise the idea which impelled the Hon'ble the Finance Minister in providing for an ungraduated tax, for by this kind of measure he has been able to please that class of people on whom he depends for his existence in the Ministry. He has given a hint in his budget statement that probably—he is not positive—he is not allowed under the Government of India Act to introduce a Bill for imposition of a graded tax. Sir, if he had any doubt in his mind with regard to this matter, it was only fair for him to approach the Advocate-General or any lawyer whom he considered the most competent for an opinion in this matter, and if he was satisfied that he was not entitled to introduce a Bill for the imposition of a graded tax he could then have taken recourse to levying a tax of this description. But, Sir, I do not know whether the Hon'ble the Finance Minister cared to take legal opinion at all. It is strange that he did not feel any hesitation in introducing such a Bill which will adversely affect a class which is very large in number.

For these reasons, Sir, I think that this Bill should be circulated for eliciting public opinion, so that we can come equipped with facts and figures justifying the introduction and passing of this Bill by the Assembly.

With these few words, Sir, I support the motion for circulation moved by my friend Maulvi Abu Hossain Sarkar.

Babu PREMHARI BARMA: I support the motion for circulation of the Bill for eliciting public opinion and oppose the motion for its consideration in this House. Sir, this Bill is new of its kind. I have no objection, of course, against taxing those who can afford to pay, but the question is that the taxation proposed in this Bill is an ungraduated one. A man with an income of Rs. 2,000 will have to pay equally with those whose income is several thousands or several lakhs. This is most inequitable. The Hon'ble the Finance Minister perhaps will say that it is a debatable point whether the Provincial Government can impose a graduated tax, but, Sir, on this point I beg to submit that the Second List of the Seventh Schedule is an exclusively Provincial List and the Provincial Government have exclusive power to legislate on these matters and the Federal Government have no power to legislate on these matters. If the Provincial Government have power to legislate over the matters included in the Second List of the

Seventh Schedule, then there is no reason why the Provincial Government will not be able to impose a graduated tax. There is nothing in the Government of India Act or in the Second List of the Seventh Schedule which says that there is no power for the Provincial Government to impose any graduated tax and I learn from the newspaper reports of yesterday and to-day that in United Provinces a graduated tax has been proposed. Under the circumstances, if the tax proposed would have been a graduated one, then there would have been no objection. In that case, it would not have been an inequitable one.

Again, Sir, this Government claims to be a popular Government. If it claims to be so, then it ought to seek public opinion and without taking public opinion, such a Bill ought not to be rushed through the Legislature and it is but meet and proper that before this Bill is passed into law, public opinion ought to be taken. With these few words, I support the motion.

Mr. P. BANERJI: In rising to support the motion for circulation I must at the outset point out to the Hon'ble the Minister in charge of the Bill that no case has been made out for which he can impose taxation on professions, trades, callings and employments on an ungraduated scale. Sir, one object of this might be that the Hon'ble Ministers of the Government always want to do justice to everybody and therefore this tax has been on an ungraduated scale of Rs. 30. I can find no reason for such a tax, and it has been rightly pointed out that this tax is iniquitous. I would only suggest to the Hon'ble Minister that there are other avenues which could have been touched more properly. In some other Provincial Governments a tax has recently been introduced and it is within the purview of the law, namely, that income-tax should be levied on agriculture. Such a Bill is on the anvil of the Madras Legislature, and it is under the contemplation of the Bombay and the United Provinces Governments to pass an Act of this kind. In the Central Legislature it has been definitely pointed out that it is up to the Provincial Governments to impose tax on agriculture. Now, Sir, why is the Hon'ble Minister not going to tap this source? It is obvious that this Cabinet is zemindar-ridden and therefore the zemindars must be left out of it, as has been rightly pointed out by the speakers who spoke in support of the circulation. Then there is another side. This Cabinet is not only zemindar-ridden, but in fact the existence of this Ministry depends entirely on the support of the Europeans.

It is well known that there is agricultural income, particularly income from tea gardens. It is well known that the Europeans have been earning fabulous income, from time immemorial, from the tea gardens. But instead of 60 per cent. only 40 per cent. of their income

is taxed; so if 60 per cent. of their income is taxed, a huge amount of money will be available. If these two sources are tapped, there will be no dearth of money for the Finance Minister in the province of Bengal. But, as I have pointed out, they cannot do it as their very existence depends on these two props to-day.

The Hon'ble Minister is going to tap another source of revenue, viz., by legalising dog racing. That is a very good suggestion: but why are the lotteries left out. Unauthorised lotteries are going on in this country and if the same rate of 4 per cent. is charged, there will be a lot of money. Government can start a State lottery as it has been done in Burma. Burma is running a lottery and they are having a lot of income out of it. So these are the sources which could have been tapped without bringing pressure on middle classes who are going to be taxed and taxed doubly. Therefore, I suggest to the Government that these sources should be tapped and they should not go to the Central Government for another crore of rupees. I assured as far back as in 1934, that if the scheme for legalising lotteries was accepted I could guarantee more than one crore of rupees from that. Therefore I say that Government have not been wise in tapping the sources which they have done or that it may be they are doing it for certain purpose. With these words I support the motion.

Mr. SUKUMAR DUTTA: The Hon'ble Mr. Nalini Ranjan Sarker closed his budget speech this year not with *Bande Mataram* but with a thesis on Wealth and Obligation and with a plea for united front and united action because, as he said, the present conditions in our province may reasonably be described as a state of emergency. We do not think that within living memory Bengal has ever had to face a greater emergency than now and we also feel that the present situation in Bengal calls for great and sustained national effort and sacrifice for re-building our social and economic order. But, Sir, I wish to make it clear that the Hindu and Muslim public in Bengal would not be prepared for any further sacrifices for causes whose worth they do not feel, namely, a grant of Rs. 30,000 to the "Azad". The people have to be satisfied that the strictest economy in administration has been secured before this Assembly would feel justified in sanctioning any tax or loan proposal of the Hon'ble the Finance Minister. The impression that one can gather from the budget is that there has been an inexcusable extravagance on the part of the Government, the budget is a political budget and cannot be defended on any sound economic principle.

In a year of deficit and emergency we fail to understand why Mr. Sarker has made increased provision for the Governor and his establishment, for the Ministers, and under other heads. If Ministers

are prepared to accept Rs. 500 per month as Congress Ministers and even the non-Congress Muslim Ministers in Sind are doing, then the saving possible under this head alone is a sum roughly of three lakhs a year. Mr. Sarker has complained against those uncertain performers, the revenues of the province which has never been known to run according to plan, yet on the whole Mr. Sarker has given the outside public an impression that he and the Cabinet have been acting, and deliberately so, according to a plan.

That plan is to keep up the pose of a defender of Muslim and Scheduled Castes' interests in Bengal while actually it is anxious not only to defend but also to promote as far as possible British Imperial interests in this country and that at the cost of Hindu and Muslim masses and middle classes. The reason is this motley crowd of self-seekers in Bengal's Cabinet can only keep themselves in power with the votes of the European bloc as was made evident to them in the Assembly on the last occasion when no-confidence motions were tabled against the Ministers.

And the ruse our Cabinet has adopted and which our Finance Minister has imposed on the public through his budget has succeeded eminently well. Already the reactionary Muslim Press has jubilantly acclaimed the budget which is responsible for this fresh imposition on Hindu and Muslim middle classes in Bengal as another feather in the Muslim cap in Bengal. While the nationalist press in Bengal has unfortunately allowed itself to be distracted from the main issue arising from the budget to the ventilation of communal grievances as against a petty preferment of Muslim and Scheduled Castes' claims in a few spheres, e.g., educational grants and scholarships, Mr. Sarker as keeper of the provincial finances, an expounder of its financial problems, this reactionary Government and the European community in Bengal have a fine asset indeed because while the Hindus and Muslims fight and suffer as they will if this Finance Bill is passed, British Government, British trade, British commerce, and British industry and British civil servants in the province remain immune from any disturbance to the privileges they enjoy and have enjoyed unfairly so far.

The burden of taxation is already very unevenly distributed as between the rich and the poor, favouring the rich and burdening the poor and the middle classes and an enquiry into the incidence of taxation has long been called for. The next taxation proposals should aim at redressing the existing inequalities but instead they aim at maintaining and accentuating those inequalities.

While the Government of Bombay are foregoing a revenue of Rs. 1½ crore for a laudable object—prohibition in Bombay city and suburbs and simultaneously embark on a great rural development

scheme costing Rs. 1 crore for the present year, in Bengal we have no major proposal in the budget which promises us better education, better health, better housing, better morals, better wages and employment through better agriculture or better industry and which only can justify any fresh taxation. While the Government of Bombay have to find an extra Rs. 2½ crores for this year's reforms which they propose to do by taxes on conveyances in urban areas, new urban taxes on immovable properties, a sales tax on petrol, a tax on cross-word puzzles, also if necessary sales taxes on silk fabrics, artificial silk yarns and cloths, but the present Government of Bengal cannot and will not hurt European community which dominates and controls this Government, nor can this Government tax the zemindars or other rich classes on whose support it rests. That we believe is the only explanation why they are unwilling to exploit the possibilities of the sales tax on commodities where use is chiefly confined to the rich or taxation of which might injure British monopoly interests in the production and sale of petroleum or which will tax British sports, such as a tax on horse racing and on Turf Club profits. Nor have they thought it fit to introduce tax on agricultural incomes as other Congress Governments have done. They have instead come forward with new proposals of taxation—a betting-tax on dog-racing, the main idea of which is to legalise it by the back-door, and an ungraduated tax of Rs. 30 a year on professions, trades, calling and other employments exempting those who do not pay income-tax. This last, Sir, which is at present before us is a preposterous proposal and is contrary to all known canons of taxation. Are we to assess the economic wisdom or financial bankruptcy of the Government by this proposal? Just imagine, Sir, Sir George Campbell and his friend Mr. N. R. Sarker with their Rs. 50,000 a year (with apologies for any under-estimate) will each pay Rs. 30 only a year along with the middle-class doctor, lawyer, or poor head master of a mofussil school with hardly more than Rs. 2,000 a year. And the zemindars as such even the Maharaja of Burdwan or my honourable friend the Maharaja of Mymensingh will not be called upon to pay the tax because zemindars do not pay income-tax. Long live this Coalition! British and Indian merchant princes and industrial magnates and feudal zemindars make a happy combination in Bengal. With these words I support the motion for circulation.

Babu NAGENDRA NATH SEN: I rise to support the motion that this Bill be circulated for the purpose of eliciting public opinion. It is customary at the time of the introduction of any Bill that there should be a Statement of Objects and Reasons for introducing the Bill. With regard to this particular Bill we find in the heading of Statement of Objects and Reasons that the object of this Bill is to raise revenue by levying an ungraduated tax on trades, professions, and callings and employments exempting those who do not pay income-tax. No reason

is given why this tax is necessary for the simple reason that the Finance Minister has absolutely no reason in support of this Bill. This Bill, I submit, is unreasonable, and because it is unreasonable, it is unfair, illegal and iniquitous. This Bill attempts to kill those persons who earn their livelihood by the sweat of their brow. This Bill does not touch high-placed officials, high-placed zemindars and Corporations and so on and so forth. It wants to impose an ungraduated tax on traders, persons carrying on some professions or callings or employments. I therefore submit that this Bill should be circulated for eliciting public opinion for the simple reason that it was published on the 8th February, 1939, and in the normal course of things would have come up for consideration on the 16th February, 1939, and it is surprising and strange that a Bill which wants to hit a large number of people who earn their livelihood by their manual or intellectual labour should be called upon to pay a tax which was the outcome of the fertile brain of the Hon'ble the Finance Minister.

In other legislatures there are Committees of public finance and when a Finance Bill is attempted to be introduced it must have the recommendation and imprimatur of the Finance Committee. Unfortunately, Sir, we have no Finance Committee in this Legislature. We are bound to depend upon the sweet will of the Hon'ble the Minister for this purpose. Just imagine the logic and the reason of rushing through this Legislature and passing into an Act a Bill which was only given out to the general public on the 8th February. I make bold to say that even within one month during which this Bill has been before the public many people who are likely to be hit by this Bill have absolutely no idea of the nature of this Bill.

Now, I submit, Sir, that this Bill wants to impose an ungraduated tax. What is the reason? Before imposing a tax it is up to the Finance Minister to satisfy the general public and more so the members of this Legislature that there is necessity for the extra revenue which is intended to be raised thereby. What is the necessity? It must be shown that without further taxation this revenue cannot be raised. I submit, Sir, that in addition to those items which have been dilated upon by other honourable members of this House there are a number of ways by which the amount which is intended to be raised by this Bill could well be raised. Formerly, Sir, there was an addition to the salaries of the highly-paid officials and the reason therefor was that times were very hard and the prices of commodities very high. Therefore, it was necessary to give an extra allowance to Government officers which was subsequently made permanent. Even after normal times have come and when commodities are only fetching very low prices, Sir, the Hon'ble the Finance Minister has not thought it fit to impose a cut upon those unearned increments of highly-placed officials. He is afraid to touch them. The Government are intent on counting upon the loyalty of the

race of Government officials. They cannot hit them. The Government cannot hit the European mercantile community who will not be affected by the mischief of this proposal. Government are not willing to hit the zemindars, because, as has been said, this Ministry is practically a zemindari ministry. Now, I submit, Sir, that that is the reason for this ungraduated tax. Why should there be no discrimination between traders who earn a large amount of money and traders who earn a much lesser amount? The iniquity of this taxation will be evident when I say that under the Bengal Municipal Act, under the Calcutta Municipal Act——

(Here the member having reached the time-limit resumed his seat.)

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I have a motion for reference of this Bill to the Select Committee. Am I to speak on my motion?

Dr. NALINAKSHA SANYAL: You directed, when I raised a point of order a few minutes ago that you would first dispose of the motions for circulation of the Bill for eliciting public opinion and thereafter you would take up the Select Committee motions. If that is not going to be followed, Sir, I submit that we should first know the position of the motions for circulating the Bill for eliciting opinion thereon. Moreover, Sir, the rules do not permit the two motions to be moved simultaneously.

Mr. SPEAKER: Yes, I agree. The Hon'ble Mr. Sarkar.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I do not expect any support to any motion of mine so long as I am here in the Government, either from the Congress side or from the other group which has been described by various members by various names, but I should for this purpose call that group the "seceded Proja Party."

So far as the remarks of Maulvi Abu Hossain Sarkar are concerned, I can only describe them as immoderate. The case for circulation is so weak that even a verbose speaker, an emphatic speaker, like Dr. Sanyal, has made a very halting speech. They want to oppose it and they must oppose it whether there is reason behind it or not.

Dr. NALINAKSHA SANYAL: The halter is round whose neck?

The Hon'ble Mr. NALINI RANJAN SARKER: The halter is round Dr. Sanyal's neck and not mine.

They first raise the objection that this tax cannot be introduced in this Assembly because it is a Central subject. Then competent men, old men and experienced men like Mr. Nagendra Nath Sen said that in

order to satisfy the Europeans and other big men I have not introduced a graduated tax on the basis of income. That will show, Sir, the spirit in which this Bill has been opposed. The speeches made are not speeches for circulation. They are speeches against the Bill. I have never heard, Sir, that a Finance Bill is ever circulated for public opinion because, a direct taxation measure, if circulated for public opinion, will be opposed so that there will be no help derived by eliciting public opinion on a direct taxation measure.

Dr. NALINAKSHA SANYAL: The only way is to flout public opinion.

The Hon'ble Mr. NALINI RANJAN SARKER: So long as I am in a majority I am carrying on the Democratic Government. My opinion is the public opinion. (Cries of "hear," "hear" from the Congress Benches.) (Mr. SANTOSH KUMAR BASU: Say "I am the State.")

But, Sir, in spite of that I am very happy to-day, whatever may be the fate of my Bill, because I find that the Congress Benches to-day espouse the cause of the middle-class people to which I also belong. At the time of the Bengal Tenancy Act, Sir, you know how that Act was passed and how we did not give rights to the under-*raiyats* and 75 per cent. of the under-*raiyats* are *bargadars*. (Mr. DHIRENDRA NATH DATTA: It is irrelevant.) It is irrelevant, because it touches you. We all know how the *barga* system is helpful to the middle-class people.

I know, Sir, my friend Maulvi Abu Hossain Sarkar is impatient because he has many obvious phobias—Maulana-phobia, Azad-phobia. (A VOICE: Sarker-phobia.)

Then, Sir, my young friend Mr. Dutt has sarcastically said that Sir George Campbell is my friend. It is true he is my friend and I am proud of him. But I know of instances—I do not want to raise bitterness—how some of my friends asked Sir George Campbell and his associates to dinner and provided sumptuous dinner for them to vote for them. Sir, a charge has been made against me that I have excluded landlords and Europeans. I say, Sir, Europeans are not excluded——

Dr. NALINAKSHA SANYAL: Landlords are excluded.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, they are, but it is because I have not been given the power under this Act to tax them as they have not got any business. Dr. Sanyal knows very well that I have not purposely excluded them, but in order to make a case against the Government he must say so. Under the List, item No. 46,

I can only tax those who are in trade, in employment and in profession; but if it was graduated, my friend, Dr. Sanyal, would have, it seems, supported me.

Then, Sir, a charge has been brought against me that I have introduced this taxation Bill without necessity. In my budget speech I made it absolutely clear that even those schemes which we have started cannot be financed unless there are fresh taxation proposals. Some of my friends have criticised the budget and have said that it is not a deficit budget though I have made it clear that there is a deficit of 87 lakhs of rupees which I have tried to meet by fresh taxation——

Maulvi ABU HOSSAIN SARKAR: This is due to mishandling.

The Hon'ble Mr. NALINI RANJAN SARKER: Whatever it may be due to, so long as I get the support of the majority of this House, my views will carry——

Dr. NALINAKSHA SANYAL: This is your consolation.

Mr. SURENDRA NATH BISWAS: But will the majority support you in this? ("Yes"—from the Coalition Benches.)

The Hon'ble Mr. NALINI RANJAN SARKER: If the majority do not support me, I will withdraw and you will be occupying these benches——

Maulvi ABU HOSSAIN SARKAR: The day is not far off——

Mr. SPEAKER: Mr. Abu Hossain Sarkar, I shall be under the painful necessity of taking a drastic step against you if you go on interrupting the Hon'ble the Finance Minister in the midst of his speech in this way.

The Hon'ble Mr. NALINI RANJAN SARKER: Even in that case a sum of Rs. 12 lakhs from this taxation will be a drop in the ocean because the gap between our existing resources and our requirements is so great; and, Sir, the merit of the tax, I think, is that it does not hit the agriculturists for whom I have heard in this House so many sympathetic utterances. It also does not affect the poor non-agriculturists. I hear, Sir, that the poor men will be affected, and the definition of the poor man is a man who earns Rs. 175 a month. If he is a poor man in this country, I want to know what is the extent of the poverty of the tenants and *raiyats* whose representatives we have here——

Dr. NALINAKSHA SANYAL: That is appalling!

The Hon'ble Mr. NALINI RANJAN SARKER: I quite appreciate that this tax will hit hard some of the professional men—there is no doubt about it. But all taxations will hit hard somebody or other. But I think, Sir, that everybody can bear the burden of this taxation. A man who has got an income of Rs. 175 can certainly spare Rs. 2-8 a month for this tax——

Dr. NALINAKSHA SANYAL: Sir, may I draw your attention to item No. 33, List I, relating to corporations——

Mr. SPEAKER: Order, order. You cannot raise it now in the midst of the Hon'ble the Finance Minister's speech.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, there is an apparent defect of this taxation to which a reference has been made. I quite appreciate that the rich people have been lightly treated, but that is not intentional. I made it clear in my budget speech, and those who have read my budget speech will not certainly say that I want to exclude the rich people if I can help it. I have tried my level best to make it a graduated tax. Not only myself but the Governments of the Central Provinces and Madras have tried their best to do likewise, but we could not persuade the Government of India to allow us a graduated tax. Their contention is that any tax for the levy of which the determination of a man's income is necessary, is an income-tax and comes within the exclusive sphere of the Centre. So I have not been able to do this. But if in future we can persuade the Government of India, or if it is thought necessary to go to the Federal Court, or it is possible by adopting others means to compel the wealthy people to bear a larger share of the taxation, we will not fail to do that. This may be my last Finance Bill, but I think the Finance Minister who will come here after me will have the benefit of this source of taxation.

Sir, there was another difficulty why we could not take recourse to graduated taxes. This is that if we want to realise this 12 lakhs of rupees without the least amount of expenditure, it is necessary that we must have the co-operation of the Income-Tax Department, but if it is against the decision of the Government of India the Income-tax Department will not co-operate with us; and for this reason I refrained from having a graduated tax.

Well, Sir, some of my friends have said that when there is no scheme, why should there be fresh taxation? But how do they know that there is no scheme? Only one scheme will require the whole of this tax, and that is the removal of water scarcity in the whole of

Bengal. We are providing for it Rs. 7,50,000 but that is not sufficient. We would have to take recourse to a big loan of a crore of rupees. To finance this scheme alone this amount will be necessary. There are also other schemes for which we have provided in driblets, and for these schemes more money will be necessary. I do not think, it is necessary to explain to this House why more money is necessary for mass uplift work——(Dr. NALINAKSHA SANYAL: That is a vague generalisation.)——Then, Sir, Mr. Nagendra Nath Sen has just said that when the Finance Bill is introduced, it has got to be approved by the Finance Committee. This is a novel procedure which, I think, I have not heard anywhere but from some of the Congress members.

Sir, I have finished and given my reply to all the charges made against the Bill, and I say that no case has been made out for the circulation of this Bill for eliciting public opinion.

The motion that the Bengal Finance Bill, 1939, to make an addition to the revenues of Bengal and for that purpose to impose a tax on professions, trades, callings and employments, be circulated for the purpose of eliciting opinion thereon was then put and a division taken.

Point of order.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I find that Mr. Chippendale went to the "Noes" lobby, although he spoke vehmently in support of the motion for sending the Bill for eliciting public opinion. I submit that either he had most frivolously taken the time of the House or he meant something else. So I submit that his vote may be expunged.

Mr. SPEAKER: I do not think that in a matter like this I can intervene, because it is quite possible that a member who has spoken in support of a motion may change his opinion and vote against it. It is not for me to say that he should not have done so. It is a constitutional right and in a matter like this I cannot intervene.

Order, order. The House is divided and the result of the division is as follows:—

AYES.

Abdel Majid Mautvi.
Abdel Wahed, Mautvi.
Abu, Hossain Sarkar, Mautvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Bannerji, Satya Priya.
Bannerjee, Mr. Manoranjan.
Barua, Babu Promhari.
Barma, Mr. Puspajit.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lalmhani Narayan.
Biswas, Mr. Sashi Lal.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.

Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Narendra Nath.
Das, Babu Hakim Chandra.
Das, Babu Radhanath.
Das, Mr. Nagendra.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Narendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emadadi Haque, Kazi.
Ghose, Mr. Atul Krishna.
Ghuznavi, Mr. Tulsi Chandra
Griffiths, Mr. G.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lal.
Kundu, Mr. Rishiha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mookerjee, Dr. Syamaprasad.
Mukerji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nasker Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramiruddin Ahmed, Mr.
Roy, Mr. Sharu Chandra.
Roy, Mr. Dhananjoy.
Roy, Mr. Kamakshiha.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nrjh.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Wahar Rahman, Maulvi.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar Palwan, Mr. Md.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Aftab Hossain Joarder, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Azhar Ali, Maulvi.
Bannerjee, Mr. H. C.
Barat Ali, Maulvi.
Bell-Hart, Miss P. E.
Blomenstock, Mr. L. M.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edgar Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hawkings, Mr. R. J.
Hirtzel, Mr. H. A. F.
Homan, Mr. F. T.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Sanku Behari.

Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miller, Mr. G.
Mohammed Ali, Khan Bahadur
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Patton, Mr. W. G.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Choudhury, Mr. Birendra Kishore.
Razzar Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiuddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. A. Brahant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, The Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Zaker Ahmed Choudhury, Maulvi.

The Ayes 71 and the Noes 119, the motion was lost.

Mr. SURENDRA NATH BISWAS: Sir, after we have got the verdict from the majority of the members of the House that this Bill should not go to the public for their opinion, I am moving for referring the Bill to a Select Committee composed of some members of this House.

Sir, I am sure that the members who have voted against the circulation have not applied their minds to the several provisions of this Bill. There are many provisions of which I may refer to only one which is under clause 7 and which runs as follows:—

"The provincial Government may prescribe the exemption of any person or class of persons from the operation of this Act, or the remission, in whole or in part, of the tax payable under this Act by any person or class of persons."

I ask the members of this House should they give this power to the Executive to-night or should they give more consideration to this provision? There are many cases of hardship where income-tax is levied on professionals and traders. The Hon'ble the Finance Minister may not be aware, but I am sure that many members of this House who are returned from mufassil are well aware that there are many professionals and traders whose income is barely Rs. 2,000 or below Rs. 2,000, but still they have to pay income-tax. Their only fault is that they do not keep any account and it is not possible for many lawyers, physicians and traders in the mufassil to keep any regular account of their income. When they cannot show an account of their income,

the Income-tax Officer taxes them arbitarily and they have to abide by the decision of the Income-tax Officer. Probably with a view to excluding members of professions and trades who are levied with tax which they should not pay, some members have tabled some amendments fixing the minimum of the assessable income at Rs. 6,000, Rs. 5,000, Rs. 3,000, etc. I appeal to the members of this House to consider the question whether they should to-night pass a measure which will enable the Government to levy tax upon every person who pays income-tax on an income of Rs. 2,000 or should they consider the question whether the minimum of assessable income should be fixed at say Rs. 6,000, Rs. 5,000 or Rs. 3,000, that is, above Rs. 2,000, so that those persons whose income is barely Rs. 2,000, and those whose income does not really amount to Rs. 2,000 but are still taxed by the Income-tax Officer, may be exempted from the operation of the Bill. I would not take any more time of the House. I appeal to the members of the House that if they care for the opinion of their constituents, let at least some of them sit together and give their considered opinion and serious attention to this matter before casting their votes to-night which is bound to cause greater hardship on the poor people who are already iniquitably taxed by the Income-tax Officer. With these observations, I commend my motion for reference of the Bill to the Select Committee to the acceptance of this House

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, Mr Surendra Nath Biswas has urged two points in favour of the Select Committee. First, he has mentioned clause 7 of the Bill. In clause 7, I find, there are two amendments and there is nothing which cannot be discussed here. His next point is that many of the men in professions and trades do not keep accounts, so they are unjustly taxed by the Income-tax authorities. I do not think that in the Select Committee, Mr. Biswas will be able to formulate any scheme by which this can be stopped. But the easy method for stopping it is that they must keep account; if they do not keep account, they will have to pay Rs. 70 to the Government of India. If they are prepared to give Rs. 70 to the Government of India, I think, they can also give Rs. 30 to the provincial Government whose taxation will come direct to this province. So I think he has not made out any case for sending the Bill to a Select Committee.

Mr. SPEAKER: There are two motions regarding reference to Select Committee, one by Mr. Surendra Nath Biswas and the other by Babu Nagendra Nath Sen. I will first put the general motion for referring the Bill to a Select Committee.

The motion that the Bill be referred to a Select Committee was then put and lost.

The motion that the Bill, to make an addition to the revenues of Bengal and for that purpose to impose a tax on professions, trades, callings and employments be taken into consideration was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 8th of March, 1939, at the Assembly House, Calcutta.

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